



Wylie City Council

NOTICE OF MEETING

Regular Meeting Agenda

February 8, 2011 – 6:00 pm

Wylie Municipal Complex – Council Chambers
300 Country Club Road, Building #100

Eric Hogue Mayor
M. G. "Red" Byboth Mayor Pro Tem
David Goss Place 1
Kathy Spillyards Place 3
Bennie Jones Place 4
Rick White Place 5
Carter Porter Place 6

Mindy Manson City Manager
Richard Abernathy City Attorney
Carole Ehrlich City Secretary

In accordance with Section 551.042 of the Texas Government Code, this agenda has been posted at the Wylie Municipal Complex, distributed to the appropriate news media, and posted on the City website: www.wylietexas.gov within the required time frame. As a courtesy, the entire Agenda Packet has also been posted on the City of Wylie website: www.wylietexas.gov.

The Mayor and City Council request that all cell phones and pagers be turned off or set to vibrate. Members of the audience are requested to step outside the Council Chambers to respond to a page or to conduct a phone conversation.

The Wylie Municipal Complex is wheelchair accessible. Sign interpretation or other special assistance for disabled attendees must be requested 48 hours in advance by contacting the City Secretary's Office at 972-516-6020.

CALL TO ORDER

Announce the presence of a Quorum.

INVOCATION & PLEDGE OF ALLEGIANCE

PRESENTATION

- Presentation of an award to the Mayor from National Environmental Hall of Fame.
- Recognition of Emilio Ames for participation in the People to People Ambassador Program.

CITIZENS COMMENTS ON NON-AGENDA ITEMS

Residents may address Council regarding an item that is not listed on the Agenda. Residents must provide their name and address. Council requests that comments be limited to three (3) minutes. In addition, Council is not allowed to converse, deliberate or takes action on any matter presented during citizen participation.

CONSENT AGENDA

All matters listed under the Consent Agenda are considered to be routine by the City Council and will be enacted by one motion. There will not be separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.

- A. **Consider, and act upon, approval of the Minutes of the January 25, 2011 Regular Meeting of the Wylie City Council.** *(C. Ehrlich, City Secretary)*
- B. **Review, and place on file, the 2010 Wylie Police Department Annual Traffic Contact Report.** *(J. Duscio, Chief of Police)*
- C. **Consider, and act upon, acceptance of the Comprehensive Annual Financial Report (CAFR) for FY 2009-2010 after presentation by the audit firm of Weaver, L.L.P on January 25, 2011.** *(L. Bantz, Finance Director)*
- D. **Consider, and act upon, Resolution No. 2011-02(R) ordering a General Election to be held jointly with the Wylie Independent School District on May 14, 2011 for the purpose of electing the Mayor and two (2) City Council members, Places 5 and 6, to the Wylie City Council to fill expired terms.** *(C. Ehrlich, City Secretary)*
- E. **Consider, and act upon, a Joint Election Contract between the City of Wylie and Wylie Independent School District (WISD) to be administered by the Collin County Elections Administrator for the May 14, 2011 Wylie General Election.** *(C. Ehrlich, City Secretary)*
- F. **Consider, and act upon, approval of a Replat for Zlan Corner Addition, Block A, Lot 2R, combining two commercial lots into one on 1.814 acres and dedicating fire lane and access easements. The property is generally located on the northeast corner of Country Club Road (FM 1378) and W. Brown Street (FM 3412).** *(R. Ollie, Planning Director)*
- G. **Consider, and act upon, Ordinance 2011-04 amending Exhibit "A" of Ordinance No. 2009-12 (Consolidated Fee Ordinance), Section I, Subsection B (Water Rates).** *(L. Bantz, Finance Director)*

REGULAR AGENDA**General Business**

- 1. **Consider, and act upon, Resolution No. 2011-03(R) suspending the February 14, 2011, effective date of Oncor Electric Delivery Company's requested rate change to permit the city time to study the request and to establish reasonable rates; approving cooperation with the steering committee of cities served by Oncor to hire legal and consulting services and to negotiate with the company and direct any**

necessary litigation and appeals; finding that the meeting at which this resolution is passed is open to the public as required by law; requiring notice of this resolution to the company and legal counsel for the steering committee. (M. Manson, City Manager)

Executive Summary

Oncor Electric Delivery Company ("Oncor" or "the Company") filed an application on or about January 7, 2011 with cities retaining original jurisdiction seeking to increase system-wide transmission and distribution rates by \$353 million. The Company asks the City to approve a 14.6% increase in residential rates, a 15.5% increase in commercial rates, and a 25.9% increase in street lighting rates. According to Oncor, annual rates would increase by approximately \$60 for an average residential customer.

- 2. Consider, and act upon, Resolution 2011-04(R) requesting that the State of Texas Department of Transportation release ownership and control of FM 2514 (Ballard Avenue) from Brown Street to SH 78. (C. Holstead, City Engineer & L. Bantz, Finance Director)**

Executive Summary

The Texas Department of Transportation has indicated that they would be receptive to releasing ownership of FM 2514 (Ballard Avenue) from Brown Street to SH 78 to the City. Ownership of the roadway would allow for greater flexibility for future improvements, however, the City would assume all future maintenance and reconstruction cost. The projected 20 year maintenance cost is \$407,000.

- 3. Consider, and act upon, approving amendments to the Parks and Recreation Board Bylaws. (R. Diaz, Parks & Recreation Superintendent)**

Executive Summary

To establish a procedure for Board members to place items on the agenda, staff has reviewed City Council and Planning and Zoning Commission agenda item submission procedures and has provided a revision to the Bylaws reflecting proposed changes.

READING OF ORDINANCES

Title and caption approved by Council as required by Wylie City Charter, Article III, Section 13-D.

ADJOURNMENT

CERTIFICATION

I certify that this Notice of Meeting was posted on this 4th day of February, 2011 at 5:00 p.m. as required by law in accordance with Section 551.042 of the Texas Government Code and that the appropriate news media was contacted. As a courtesy, this agenda is also posted on the City of Wylie website: www.wylietexas.gov.

Carole Ehrlich, City Secretary

Date Notice Removed



Wylie City Council

Minutes

Wylie City Council Meeting

Tuesday, January 25, 2011 – 6:00 p.m.

Wylie Municipal Complex – Council Chambers

300 Country Club Road, Bldg. 100

Wylie, TX 75098

CALL TO ORDER

Announce the presence of a Quorum.

Mayor Eric Hogue called the meeting to order at 6:00 p.m. with the following Wylie City Council members present: Mayor Pro Tem Red Byboth, Councilwoman Kathy Spillyards, Councilman Carter Porter, Councilman Rick White, Councilman Bennie Jones and Councilman David Goss.

Staff present were: City Manager, Mindy Manson; Assistant City Manager, Jeff Butters; Planning Director, Renae' Ollie; Fire Chief, Randy Corbin; Finance Director, Linda Bantz; Police Chief, John Duscio; City Engineer, Chris Holsted; WEDC Executive Director, Sam Satterwhite; City Secretary, Carole Ehrlich; Public Information Officer, Craig Kelly, and various support staff.

INVOCATION & PLEDGE OF ALLEGIANCE

Mayor Pro Tem Byboth gave the invocation. Boy Scout Troop #78, approaching their 1st Anniversary as a troop, presented the colors and led the Pledge of Allegiance. Scouts present included Dan Barnhart, Austin Byboth, Daniel Fox, Samuel Gagnon-Hartman, Nathan Palmer, Gavin Pugh and Cailin Stewart. Troop leaders present included: Pack Leader Brenda Byboth, Assistant Leader Scott Stewart, and Assistant Leader Jason Palmer.

PRESENTATION

- **Presentation of 3rd 6 Weeks Star Students - Caring** (*E. Hogue, Mayor*)

Mayor Hogue and Mayor Pro Tem Byboth presented medallions to students demonstrating the character trait of "Caring." Each six weeks one student from each WISD campus is chosen as the "star student."

- **Presentation honoring Ruby Rodriguez for knowing when to call 911, how to call 911, and what to say when calling 911 in an emergency.** (*Allyson Frederick, Operations Supervisor, & Tristian Whittle, Public Safety Dispatcher*)

Members of Wylie Fire Rescue and Wylie Public Safety Dispatch presented an award to Rudy Rodriguez, 9 years old, for knowing to call 911 when her grandmother was ill. Rudy remained calm, level headed, and answered the dispatcher's questions appropriately, going so far as to

give physician instructions that the dispatcher was able to help with. Red E. Fox is proud to honor Ruby with this award for knowing how, when and what to say when calling 911.

- **Presentation of the 2010 Wylie Economic Development Corporation Annual Report.** (*S. Satterwhite, WEDC Executive Director*)

WEDC Director, Sam Satterwhite, presented to the Council a required annual report outlining the prior year financial activities, direct and indirect economic development initiatives, as well as goals and objectives for 2011. Satterwhite reported that sales tax receipts have increased over 2009 by 3.5% resulting in total collections of \$1,343,749. The WEDC also had \$1,974 in interest earnings and \$63,747 in income from the lease of WEDC facilities. Further, the WEDC ended the FY 2009 - 2010 year with a \$748,334 fund balance.

A summary of activity within the Target-anchored Woodbridge Crossing was provided with sales taxes generated in FY 2009 – 2010 to the WEDC in the amount of \$130,489. Satterwhite commented that while \$110,916 was reimbursed to Direct Development from the WEDC via an existing Performance Agreement, the 4B Corporation and property taxes are unencumbered by the incentive agreement with Direct.

Satterwhite summarized WEDC expenditures as follows: \$533,574 on grants and engineering services directly attributed to incentive packages, \$26,171 on the purchase of real property, \$234,015 on personnel services, \$76,548 on marketing and promotion, \$43,316 on special services (property maintenance), and debt service of \$414,786.

It was reported that the WEDC currently owns 30.12 acres of property with a cost basis of \$2,836,595. WEDC debt service associated primarily with the purchase of the above property has a principal balance of \$830,972 as of November 30, 2010.

While reporting on retail activity within 2010, Satterwhite indicated that construction began on Kohl's (64,000 sq. ft.), PetSmart (18,003 sq. ft.), and Dollar Tree (10,000 sq. ft.). It was indicated that upon completion of the three projects, Direct Development will be in compliance with the Performance Agreement through September 1, 2012. There currently exists 314,652 square feet (including Kohl's, etc.). Satterwhite also indicated that the WEDC and City representatives will continue to make attendance at the International Council of Shopping Centers Conference a priority in an effort to attract retailers to Wylie.

In what was reported as 'High-Impact Initiatives', Satterwhite summarized agreements with Sanden International and Ascend Custom Extrusion which total up to \$730,000 in performance based incentives. Also as part of the Ascend project, Satterwhite reported that the WEDC is currently constructing a 96,000 square foot industrial facility which will be leased to Ascend.

2011 Goals & Objectives were identified as the following: manage and oversee the construction of the Ascend facility which is to be completed by May 31, 2011, enter into a public/private partnership to provide additional parking in downtown Wylie, market 3.2 acres of WEDC owned industrial property for development, finalize negotiations with the City Council for the acquisition and development of 19 acres of commercial property owned by the City of Wylie, prepare for the development of property owned by the Kansas City Southern Railway Company on State Highway 78, and finally to complete an inventory of industrial property with the City of Wylie and its ETJ.

- **Presentation of the Comprehensive Annual Financial Report for FY 2009-2010.** (*L. Bantz, Finance Director*)

John DeBurro representing the audit firm of Weaver L.L.P. presented the FY 2009-2010 Comprehensive Annual Financial Report. Mr. DeBurro stated that he was pleased to report a "clean unqualified opinion" for the reporting period. He explained that this opinion means that the financial statements were presented fairly, in all material respects, the financial activities of the government's activities. This is the highest opinion obtainable.

Mr. DeBurro reported that there were no problems dealing with management in performing and completing the audit. He explained that staff had done a great job in both reporting and assisting the firm with the audit.

Some of the highlights presented included the general fund, utility fund, and special fund balances for the reporting period. He reported the net assets for the city had increased by \$7,389,071 due to tax revenue and County funding for road construction projects. Actual revenues for the year were in excess of expenditures by \$838,418 due to savings in department's budgets.

The mayor thanked Mr. DeBurro for his work and commended the finance staff for their outstanding work.

CITIZENS COMMENTS ON NON-AGENDA ITEMS

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Pastor Rick Wood, representing the Pursuit Christian Fellowship, 9601 Terence Dr., Rowlett, Texas, addressed council stating the Christian organization was sponsoring five passes for children to the Wylie Recreation Center.

Myrna Whitworth, residing at 1404 Summerdale Lane, Wylie, Texas, addressed council stating that the new Wylie Recreation Facility fees were too high for larger family memberships.

CONSENT AGENDA

All matters listed under the Consent Agenda are considered to be routine by the City Council and will be enacted by one motion. There will not be separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.

- A. Consider, and act upon, approval of the Minutes of the January 11, 2011 Regular Meeting of the Wylie City Council. (C. Ehrlich, City Secretary)**
- B. Consider, and place on file the City of Wylie Monthly Revenue and Expenditure Reports as of December 31, 2010. (L. Bantz, Finance Director)**
- C. Consider, and place on file the City of Wylie Quarterly Investment Report for December 31, 2010. (L. Bantz, Finance Director)**
- D. Consider, and place on file, the monthly Revenue and Expense Report for the Wylie Economic Development Corporation as of December 31, 2010. (S. Satterwhite, WEDC Executive Director)**

- E. Consider, and act upon, approval of a Final Plat for Birmingham Elementary School, Block A, Lot 1 on 14.749 gross acres, generally located north of W. Brown Street and approximately 704 feet east of Westgate Way (700 W. Brown Street). (R. Ollie, Planning Director)
- F. Consider, and act upon, approval of a Final Plat for Hartman Elementary School, Block A, Lot 1 on 8.201 gross acres, generally located north of W. Kirby Street and east of S. Birmingham Street (501 S. Birmingham Street). (R. Ollie, Planning Director)
- G. Consider, and act upon, approval of a Final Plat for Waterbrook Bible Fellowship, a Worship Facility located on 4.613 acres at 507 Thomas Street. (R. Ollie, Planning Director)
- H. Consider, and act upon, Ordinance No. 2011-02, amending Zoning Ordinance 2006-04, Article 5, Section 5.1.J (Accessory Uses); allowing for and providing certain safeguards relating to Home Occupations. ZC2010-04 (R. Ollie, Planning Director)

Council Action

A motion was made by Councilman White, seconded by Councilman Porter to approve the consent agenda as presented. A vote was taken and the motion passed 7-0.

REGULAR AGENDA

General Business

- 1. Consider, and act upon, Ordinance No. 2011-03 establishing speed zones for FM 2514 (Ballard Ave) from Brown Street to SH 78. (C. Holsted, City Engineer)

Staff/Council Comments

City Engineer Holsted addressed council stating that business owners in the downtown area have expressed a concern over the speed of the vehicles traveling on Ballard Ave. from Brown Street to SH 78. On June 1, 2010 the City submitted a speed zone study to TxDOT for this portion of roadway. The study recommended the speed be reduced to 25 miles per hour.

He explained there had been conversations with TxDOT regarding the city taking over ownership of that roadway to which TxDOT had no objections should the city decide to do so. Mayor Hogue asked Police Chief if the meter showing the speed of vehicles could be installed downtown, once the speed limit was lowered. Chief Duscio replied that the department could do so. Mayor Pro Tem Byboth and Councilman Porter commended staff for their efforts in providing this lower speed limit which had been a large concern to the downtown merchants.

Councilman Porter stated he would like to see staff bring back additional information regarding city ownership of Ballard Street from Brown Street to SH 78.

Council Action

A motion was made by Councilwoman Spillyards, seconded by Mayor Pro Tem Byboth to adopt Ordinance No. 2011-03 establishing speed zones for FM 2514 (Ballard Ave.) from Brown Street to SH 78. A vote was taken and the motion passed 7-0.

2. **Consider and act upon approval of a Professional Engineering Services Agreement with Birkhoff, Hendricks, and Carter, L.L.P. for the design of FM 1378 from South Parker Road to North Parker Road in the amount of \$231,600; and authorize the City Manager to execute the agreement. (C. Holsted, City Engineer)**

Staff/Council Comments

City Engineer Holsted addressed council stating the current construction of FM 1378 terminates at the southern Parker Road intersection. The Texas Department of Transportation and Collin County are working on the Parker Road improvements from FM 2551 to FM 1378. The TxDOT project includes the realignment of the Parker Road intersection to the north but does not include improvements to FM 1378. On October 26, 2010 Council approved an Inter-Local Agreement with Collin County for engineering services for FM 1378.

Holsted explained that the agreement specifies that the County will participate in the engineering of the project in the amount of \$100,000 and it was approved by the Collin County Commissioners' Court on December 13, 2010. Staff recommends using some remaining 1999 bond funds for the remaining funding.

Mr. Holsted commended Councilman Goss for his diligent work with Collin County to secure additional county funds for this engineering project.

Council Action

A motion was made by Mayor Pro Tem Byboth, seconded by Councilman Goss to approve a Professional Engineering Services Agreement with Birkhoff, Hendricks, and Carter, L.L.P. for the design of FM 1378 from South Parker Road to North Parker Road in the amount of \$231,600; and authorize the City Manager to execute the agreement. A vote was taken and the motion passed 7-0.

READING OF ORDINANCES

Title and caption approved by Council as required by Wylie City Charter, Article III, Section 13-D.

City Secretary Ehrlich read the captions to Ordinances 2011-02 and 2011-03 into the official records.

Mayor Hogue convened into Executive Session, reading the caption below at 7:25 p.m.

EXECUTIVE SESSION

Recess into Closed Session in compliance with Section 551.001, et.seq. Texas Government Code, to wit:

§§ 551.074 Personnel Matters; Closed Meeting

- **To deliberate the Evaluation of the City Manager**

Mayor Hogue reconvened into Regular Session at 11:35 p.m.

RECONVENE INTO REGULAR SESSION

Take any action as a result from Executive Session.

No Action was taken as a result of Executive Session.

ADJOURNMENT

With no further business before the Wylie City Council, a motion was made by Councilman Jones, seconded by Councilman Goss to adjourn the meeting at 11:38 p.m. A vote was taken and the motion passed unanimously.

Eric Hogue, Mayor

ATTEST:

Carole Ehrlich, City Secretary



Wylie City Council

AGENDA REPORT

Meeting Date: February 8, 2011
Department: Public Services
Prepared By: Mike Sferra
Date Prepared: January 27, 2011

Item Number: _____
Presentation
(City Secretary's Use Only)
Account Code: _____
Budgeted Amount: _____
Exhibits: _____

Subject

Presentation of an award to the Mayor from National Environmental Hall of Fame.

Recommendation

N/A

Discussion

The Environmental Hall of Fame is devoted to curtailing climate change and restoring the Earth's ecosystem by promoting green and eco-conscious living. The Environmental Hall of Fame recognizes environmentalists (corporations, companies, individuals, and organizations) who are committed to taking a stand for a green sustainable planet.

The Environmental Hall of Fame believes that in each community there are groups and individuals who deserve to be recognized for their contribution to helping the environment. Their goal is to encourage these groups and individuals through such recognition. They feel it is most appropriate to first honor the mayor or sustainability director in each community on behalf of the city's sustainability initiatives. Over the past two years the National Environmental Hall of Fame has honored top environmentalists including Harrison Ford, Pierce Brosnan, Ed Begley, Jr., and Art Linkletter.

The City of Wylie has been selected to receive the Award for its sustainability initiatives, most notably at the new Civic Center.

Approved By

Department Director
City Manager

Initial
MS

MM

Date
1-27-11

2/3/11



Wylie City Council

AGENDA REPORT

Meeting Date: February 8, 2011
Department: City Secretary
Prepared By: C. Ehrlich
Date Prepared: January 27, 2011

Item Number: Presentation/Recognition
(City Secretary's Use Only)
Account Code: _____
Budgeted Amount: _____
Exhibits: _____

Subject

Recognition of Emilio Ames for participation in the People to People Ambassador Program.

Recommendation

N/A

Discussion

The People to People Ambassador is a program for a student to experience life styles, politics and education in different countries. Emilio Ames was invited to apply to the program, get recommendations, and have an interview. Emilio Ames was accepted into the program and will be representing the City of Wylie.

This year's program participants will be going to England, Ireland, Scotland and Wales for 19 days in the summer. Participants will spend 6 months prior to going, learning about the individual countries they will visit.

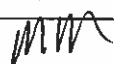
Emilio would like the City to know that he will be representing Wylie during his trip to Europe and promises to represent it well.

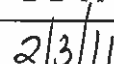
Approved By

Department Director
City Manager

Initial
CE

Date
2-2-11







Wylie City Council

AGENDA REPORT

Meeting Date: February 22, 2011
Department: Police Department
Prepared By: Chief John Duscio
Date Prepared: January 21, 2011

Item Number: B.
(City Secretary's Use Only)
Account Code: _____
Budgeted Amount: _____
Exhibits: Report

Subject

Review, and place on file, the 2010 Wylie Police Department Annual Traffic Contact Report.

Recommendation

A motion to place on file, the 2010 Wylie Police Department Annual Traffic Contact Report.

Discussion

The 2010 Wylie Police Department Annual Traffic Contact Report meets all requirements of SB 1074. Texas Senate Bill (SB 1074) requires police departments to collect traffic-related contact data and to report the contact data to their governing body every year, no later than March of the following year.

Approved By

Department Director
City Manager

Initial
JD

mm

Date

01/21/11

2/3/11

The Wylie Police Department Annual Traffic Contact Report (2010)



**DEL CARMEN
CONSULTING, LLC**

(I) Introduction

Opening Statement

January 21, 2011

Wylie City Council
Wylie, Texas 76180

Dear Distinguished Members of the City Council,

In 2001, the Texas legislature, in an attempt to address the issue of racial profiling in policing, enacted the Texas Racial Profiling Law. Since 2001, the Wylie Police Department, in accordance with the law, has collected and reported traffic-related contact data for the purpose of identifying and addressing (if necessary) areas of concern regarding racial profiling practices. During the past legislative session, the Racial Profiling Law was modified and new requirements are now in place. These new requirements have been met and are being addressed in this report.

In this particular report, you will find three sections that contain information on traffic related and more recently, motor vehicle-related contact data. In addition, when appropriate, documentation is also a component of this report, aiming at demonstrating the manner in which the Wylie Police Department has complied with the Texas Racial Profiling Law. In section 1, you will find the table of contents in addition to the Texas Senate Bill (SB1074) which later became the Texas Racial Profiling Law. In addition, you will find the Texas HB 3389 which recently introduced new requirements relevant to racial profiling. Also, in this section, a list of requirements relevant to the Racial Profiling Law as established by TCLEOSE (Texas Commission on Law Enforcement Officer Standards and Education) is included. In addition, you will find, in sections 2 and 3, documentation which demonstrates compliance by the Wylie Police Department relevant to the requirements as established in the Texas Racial Profiling Law. That is, documents relevant to the implementation of an institutional policy banning racial profiling, the incorporation of a racial profiling complaint process and the training administered to all law enforcement personnel, are included.

The last section of this report provides statistical data relevant to contacts, made during the course of motor vehicle stops, between 1/1/10 and 12/31/10. This information has been analyzed and compared to data derived from the U.S. Census Bureau's Fair Roads Standard and to traffic-based contact data collected between 2002 and 2009. The final analysis and recommendations are also included in this report.

The findings in this report serve as evidence of the Wylie Police Department's commitment to comply with the Texas Racial Profiling Law.

Sincerely,

Alex del Carmen, Ph.D.
Del Carmen Consulting, LLC

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- b) Educational Campaign Relevant to the Complaint Process—
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TCLEOSE GUIDELINES

Guidelines for Compiling and Reporting Data under Senate Bill 1074

Background

Senate Bill 1074 of the 77th Legislature established requirements in the Texas Code of Criminal Procedure (TCCP) for law enforcement agencies. The Commission developed this document to assist agencies in complying with the statutory requirements.

The guidelines are written in the form of standards using a style developed from accreditation organizations including the Commission on Accreditation for Law Enforcement Agencies (CALEA). The standards provide a description of *what* must be accomplished by an agency but allows wide latitude in determining *how* the agency will achieve compliance with each applicable standard.

Each standard is composed of two parts: the standard statement and the commentary. The *standard statement* is a declarative sentence that places a clear-cut requirement, or multiple requirements, on an agency. The commentary supports the standard statement but is not binding. The commentary can serve as a prompt, as guidance to clarify the intent of the standard, or as an example of one possible way to comply with the standard.

Standard 1

Each law enforcement agency has a detailed written directive that:

- clearly defines acts that constitute racial profiling;
- strictly prohibits peace officers employed by the agency from engaging in racial profiling;
- implements a process by which an individual may file a complaint with the agency if the individual believes a peace officer employed by the agency has engaged in racial profiling with respect to the individual filing the complaint;
- provides for public education relating to the complaint process;
- requires appropriate corrective action to be taken against a peace officer employed by the agency who, after investigation, is shown to have engaged in racial profiling in violation of the agency's written racial profiling policy; and
- requires the collection of certain types of data for subsequent reporting.

Commentary

Article 2.131 of the TCCP prohibits officers from engaging in racial profiling, and article 2.132 of the TCCP now requires a written policy that contains the elements listed in this standard. The article also specifically defines a law enforcement agency as it applies to this statute as an "agency of the state, or of a county, municipality, or other political subdivision of the state, that employs peace officers who make traffic stops in the routine performance of the officers' official duties."

The article further defines race or ethnicity as being of "a particular descent, including Caucasian, African, Hispanic, Asian, or Native American." The statute does not limit the required policies to just these ethnic groups.

This written policy is to be adopted and implemented no later than January 1, 2002.

Standard 2

Each peace officer who stops a motor vehicle for an alleged violation of a law or ordinance regulating traffic, or who stops a pedestrian for any suspected offense reports to the employing law enforcement agency information relating to the stop, to include:

- a physical description of each person detained, including gender and the person's race or ethnicity, as stated by the person, or, if the person does not state a race or ethnicity, as determined by the officer's best judgment;
- the traffic law or ordinance alleged to have been violated or the suspected offense;
- whether the officer conducted a search as a result of the stop and, if so, whether the person stopped consented to the search;
- whether any contraband was discovered in the course of the search, and the type of contraband discovered;
- whether probable cause to search existed, and the facts supporting the existence of that probable cause;
- whether the officer made an arrest as a result of the stop or the search, including a statement of the offense charged;
- the street address or approximate location of the stop; and
- whether the officer issued a warning or citation as a result of the stop, including a description of the warning or a statement of the violation charged.

Commentary

The information required by 2.133 TCCP is used to complete the agency reporting requirements found in Article 2.134. A peace officer and an agency may be exempted from this requirement under Article 2.135 TCCP Exemption for Agencies Using Video and Audio Equipment. An agency may be exempt from this reporting requirement by applying for the funds from the Department of Public Safety for video and audio equipment and the State does not supply those funds. Section 2.135 (a)(2) states, "the governing body of the county or municipality served by the law enforcement agency, in conjunction with the law enforcement agency, certifies to the Department of Public Safety, not later than the date specified by rule by the department, that the law enforcement agency needs funds or video and audio equipment for the purpose of installing video and audio equipment as described by Subsection (a) (1) (A) and the agency does not receive from the state funds for video and audio equipment sufficient, as determined by the department, for the agency to accomplish that purpose."

Standard 3

The agency compiles the information collected under 2.132 and 2.133 and analyzes the information identified in 2.133.

Commentary

Senate Bill 1074 from the 77th Session of the Texas Legislature created requirements for law enforcement agencies to gather specific information and to report it to each county or municipality served. New sections of law were added to the Code of Criminal Procedure regarding the reporting of traffic and pedestrian stops. Detained is defined as when a person stopped is not free to leave.

Article 2.134 TCCP requires the agency to compile and provide an analysis of the information collected by peace officer employed by the agency. The report is provided to the governing body of the municipality or county no later than March 1 of each year and covers the previous calendar year.

There is data collection and reporting required based on Article 2.132 CCP (tier one) and Article 2.133 CCP (tier two).

The minimum requirements for "tier one" data for traffic stops in which a citation results are:

- 1) the race or ethnicity of individual detained (race and ethnicity as defined by the bill means of "a particular descent, including Caucasian, African, Hispanic, Asian, or Native American");
- 2) whether a search was conducted, and if there was a search, whether it was a consent search or a probable cause search; and
- 3) whether there was a custody arrest.

The minimum requirements for reporting on "tier two" reports include traffic and pedestrian stops. Tier two data include:

- 1) the detained person's gender and race or ethnicity;
- 2) the type of law violation suspected, e.g., hazardous traffic, non-hazardous traffic, or other criminal investigation (the Texas Department of Public Safety publishes a categorization of traffic offenses into hazardous or non-hazardous);
- 3) whether a search was conducted, and if so whether it was based on consent or probable cause;
- 4) facts supporting probable cause;
- 5) the type, if any, of contraband that was collected;
- 6) disposition of the stop, e.g., arrest, ticket, warning, or release;
- 7) location of stop; and
- 8) statement of the charge, e.g., felony, misdemeanor, or traffic.

Tier one reports are made to the governing body of each county or municipality served by the agency an annual report of information if the agency is an agency of a county, municipality, or other political subdivision of the state. Tier one and two reports are reported to the county or municipality not later than March 1 for the previous calendar year beginning March 1, 2003. Tier two reports include a comparative analysis between the race and ethnicity of persons detained to see if a differential pattern of treatment can be discerned based on the disposition of stops including searches resulting from the stops. The reports also include information relating to each complaint filed with the agency alleging that a peace officer employed by the agency has engaged in racial profiling. An agency may be exempt from the tier two reporting requirement by applying for the funds from the Department of Public Safety for video and audio equipment and the State does not supply those funds [See 2.135 (a)(2) TCCP].

Reports should include both raw numbers and percentages for each group. Caution should be exercised in interpreting the data involving percentages because of statistical distortions caused by very small numbers in any particular category, for example, if only one American Indian is stopped and searched, that stop would not provide an accurate comparison with 200 stops among Caucasians with 100 searches. In the first case, a 100% search rate would be skewed data when compared to a 50% rate for Caucasians.

Standard 4

If a law enforcement agency has video and audio capabilities in motor vehicles regularly used for traffic stops, or audio capabilities on motorcycles regularly used to make traffic stops, the agency:

- adopts standards for reviewing and retaining audio and video documentation; and
- promptly provides a copy of the recording to a peace officer who is the subject of a complaint on written request by the officer.

Commentary

The agency should have a specific review and retention policy. Article 2.132 TCCP specifically requires that the peace officer be promptly provided with a copy of the audio or video recordings if the officer is the subject of a complaint and the officer makes a written request.

Standard 5

Agencies that do not currently have video or audio equipment must examine the feasibility of installing such equipment.

Commentary

None

Standard 6

Agencies that have video and audio recording capabilities are exempt from the reporting requirements of Article 2.134 TCCP and officers are exempt from the reporting requirements of Article 2.133 TCCP provided that:

- the equipment was in place and used during the proceeding calendar year; and
- video and audio documentation is retained for at least 90 days.

Commentary

The audio and video equipment and policy must have been in place during the previous calendar year. Audio and video documentation must be kept for at least 90 days or longer if a complaint has been filed. The documentation must be retained until the complaint is resolved. Peace officers are not exempt from the requirements under Article 2.132 TCCP.

Standard 7

Agencies have citation forms or other electronic media that comply with Section 543.202 of the Transportation Code.

Commentary

Senate Bill 1074 changed Section 543.202 of the Transportation Code requiring citations to include:

- race or ethnicity, and
- whether a search of the vehicle was conducted and whether consent for the search was obtained.

The Texas Law on Racial Profiling

AN ACT

relating to the prevention of racial profiling by certain peace officers.

BE IT ENACTED BY THE LEGISLATURE OF THE
STATE OF TEXAS:

SECTION 1. Chapter 2, Code of Criminal Procedure, is amended by adding Articles 2.131 through 2.138 to read as follows:

Art. 2.131. RACIAL PROFILING PROHIBITED. A peace officer may not engage in racial profiling.

Art. 2.132. LAW ENFORCEMENT POLICY ON RACIAL PROFILING. (a) In this article:

(1) "Law enforcement agency" means an agency of the state, or of a county, municipality, or other political subdivision of the state, that employs peace officers who make traffic stops in the routine performance of the officers' official duties.

(2) "Race or ethnicity" means of a particular descent, including Caucasian, African, Hispanic, Asian, or Native American descent.

(b) Each law enforcement agency in this state shall adopt a detailed written policy on racial profiling. The policy must:

(1) clearly define acts constituting racial profiling;

(2) strictly prohibit peace officers employed by the agency from engaging in racial profiling;

(3) implement a process by which an individual may file a complaint with the agency if the individual believes that a peace officer employed by the agency has engaged in racial profiling with respect to the individual;

(4) provide public education relating to the agency's complaint process;

(5) require appropriate corrective action to be taken against a peace officer employed by the agency who, after an investigation, is shown to have engaged in racial profiling in violation of the agency's policy adopted under this article;

(6) require collection of information relating to traffic stops in which a citation is issued and to arrests resulting from those traffic stops, including information relating to:

(A) the race or ethnicity of the individual detained; and

(B) whether a search was conducted and, if so, whether the person detained consented to the search; and

(7) require the agency to submit to the governing body of each county or municipality served by the agency an annual report of the information collected under Subdivision (6) if the agency is an agency of a county, municipality, or other political subdivision of the state.

(c) The data collected as a result of the reporting requirements of this article shall not constitute prima facie evidence of racial profiling.

(d) On adoption of a policy under Subsection (b), a law enforcement agency shall examine the feasibility of installing video camera and transmitter-activated equipment in each agency law enforcement motor vehicle regularly used to make traffic stops and transmitter-activated equipment in each agency law enforcement motorcycle regularly used to make traffic stops. If a law enforcement agency installs video or audio equipment as provided by this subsection, the policy

adopted by the agency under Subsection (b) must include standards for reviewing video and audio documentation.

(e) A report required under Subsection (b)(7) may not include identifying information about a peace officer who makes a traffic stop or about an individual who is stopped or arrested by a peace officer. This subsection does not affect the collection of information as required by a policy under Subsection (b)(6).

(f) On the commencement of an investigation by a law enforcement agency of a complaint described by Subsection (b)(3) in which a video or audio recording of the occurrence on which the complaint is based was made, the agency shall promptly provide a copy of the recording to the peace officer who is the subject of the complaint on written request by the officer.

Art. 2.133. REPORTS REQUIRED FOR TRAFFIC AND PEDESTRIAN STOPS. (a) In this article:

(1) "Race or ethnicity" has the meaning assigned by Article 2.132(a).

(2) "Pedestrian stop" means an interaction between a peace officer and an individual who is being detained for the purpose of a criminal investigation in which the individual is not under arrest.

(b) A peace officer who stops a motor vehicle for an alleged violation of a law or ordinance regulating traffic or who stops a pedestrian for any suspected offense shall report to the law enforcement agency that employs the officer information relating to the stop, including:

(1) a physical description of each person detained as a result of the stop, including:

(A) the person's gender; and

(B) the person's race or ethnicity, as stated by the person or, if the person does not state the person's race or ethnicity, as determined by the officer to the best of the officer's ability;

(2) the traffic law or ordinance alleged to have been violated or the suspected offense;

(3) whether the officer conducted a search as a result of the stop and, if so, whether the person detained consented to the search;

(4) whether any contraband was discovered in the course of the search and the type of contraband discovered;

(5) whether probable cause to search existed and the facts supporting the existence of that probable cause;

(6) whether the officer made an arrest as a result of the stop or the search, including a statement of the offense charged;

(7) the street address or approximate location of the stop; and

(8) whether the officer issued a warning or a citation as a result of the stop, including a description of the warning or a statement of the violation charged.

Art. 2.134. COMPILATION AND ANALYSIS OF INFORMATION COLLECTED. (a) In this article, "pedestrian stop" means an interaction between a peace officer and an individual who is being detained for the purpose of a criminal investigation in which the individual is not under arrest.

(b) A law enforcement agency shall compile and analyze the information contained in each report received by the agency under Article 2.133. Not later than March 1 of each year, each local law enforcement agency shall submit a report containing the information compiled during the previous calendar year to the governing

body of each county or municipality served by the agency in a manner approved by the agency.

(c) A report required under Subsection (b) must include:

(1) a comparative analysis of the information compiled under Article 2.133 to:

(A) determine the prevalence of racial profiling by peace officers employed by the agency; and

(B) examine the disposition of traffic and pedestrian stops made by officers employed by the agency, including searches resulting from the stops; and

(2) information relating to each complaint filed with the agency alleging that a peace officer employed by the agency has engaged in racial profiling.

(d) A report required under Subsection (b) may not include identifying information about a peace officer who makes a traffic or pedestrian stop or about an individual who is stopped or arrested by a peace officer. This subsection does not affect the reporting of information required under Article 2.133(b)(1).

(e) The Commission on Law Enforcement Officer Standards and Education shall develop guidelines for compiling and reporting information as required by this article.

(f) The data collected as a result of the reporting requirements of this article shall not constitute prima facie evidence of racial profiling.

Art. 2.135. EXEMPTION FOR AGENCIES USING VIDEO AND AUDIO EQUIPMENT. (a) A peace officer is exempt from the reporting requirement under Article 2.133 and a law enforcement agency is exempt from the compilation, analysis, and reporting requirements under Article 2.134 if:

(1) during the calendar year preceding the date that a report under Article 2.134 is required to be submitted:

(A) each law enforcement motor vehicle regularly used by an officer employed by the agency to make traffic and pedestrian stops is equipped with video camera and transmitter-activated equipment and each law enforcement motorcycle regularly used to make traffic and pedestrian stops is equipped with transmitter-activated equipment; and

(B) each traffic and pedestrian stop made by an officer employed by the agency that is capable of being recorded by video and audio or audio equipment, as appropriate, is recorded by using the equipment; or

(2) the governing body of the county or municipality served by the law enforcement agency, in conjunction with the law enforcement agency, certifies to the Department of Public Safety, not later than the date specified by rule by the department, that the law enforcement agency needs funds or video and audio equipment for the purpose of installing video and audio equipment as described by Subsection (a)(1)(A) and the agency does not receive from the state funds or video and audio equipment sufficient, as determined by the department, for the agency to accomplish that purpose.

(b) Except as otherwise provided by this subsection, a law enforcement agency that is exempt from the requirements under Article 2.134 shall retain the video and audio or audio documentation of each traffic and pedestrian stop for at least 90 days after the date of the stop. If a complaint is filed with the law enforcement agency alleging that a peace officer employed by the agency has engaged in racial profiling with respect to a traffic or pedestrian stop, the agency shall retain the video and audio or audio record of the stop until final disposition of the complaint.

(c) This article does not affect the collection or reporting requirements under Article 2.132.

Art. 2.136. LIABILITY. A peace officer is not liable for damages arising from an act relating to the collection or reporting of information as required by Article 2.133 or under a policy adopted under Article 2.132.

Art. 2.137. PROVISION OF FUNDING OR EQUIPMENT.

(a) The Department of Public Safety shall adopt rules for providing funds or video and audio equipment to law enforcement agencies for the purpose of installing video and audio equipment as described by Article 2.135(a)(1)(A), including specifying criteria to prioritize funding or equipment provided to law enforcement agencies. The criteria may include consideration of tax effort, financial hardship, available revenue, and budget surpluses. The criteria must give priority to:

(1) law enforcement agencies that employ peace officers whose primary duty is traffic enforcement;

(2) smaller jurisdictions; and

(3) municipal and county law enforcement agencies.

(b) The Department of Public Safety shall collaborate with an institution of higher education to identify law enforcement agencies that need funds or video and audio equipment for the purpose of installing video and audio equipment as described by Article 2.135(a)(1)(A). The collaboration may include the use of a survey to assist in developing criteria to prioritize funding or equipment provided to law enforcement agencies.

(c) To receive funds or video and audio equipment from the state for the purpose of installing video and audio equipment as described by Article 2.135(a)(1)(A), the governing body of a county or municipality, in conjunction with the law enforcement agency serving the county or municipality, shall certify to the

Department of Public Safety that the law enforcement agency needs funds or video and audio equipment for that purpose.

(d) On receipt of funds or video and audio equipment from the state for the purpose of installing video and audio equipment as described by Article 2.135(a)(1)(A), the governing body of a county or municipality, in conjunction with the law enforcement agency serving the county or municipality, shall certify to the Department of Public Safety that the law enforcement agency has installed video and audio equipment as described by Article 2.135(a)(1)(A) and is using the equipment as required by Article 2.135(a)(1).

Art. 2.138. RULES. The Department of Public Safety may adopt rules to implement Articles 2.131-2.137.

SECTION 2. Chapter 3, Code of Criminal Procedure, is amended by adding Article 3.05 to read as follows:

Art. 3.05. RACIAL PROFILING. In this code, "racial profiling" means a law enforcement-initiated action based on an individual's race, ethnicity, or national origin rather than on the individual's behavior or on information identifying the individual as having engaged in criminal activity.

SECTION 3. Section 96.641, Education Code, is amended by adding Subsection (j) to read as follows:

(j) As part of the initial training and continuing education for police chiefs required under this section, the institute shall establish a program on racial profiling. The program must include an examination of the best practices for:

(1) monitoring peace officers' compliance with laws and internal agency policies relating to racial profiling;

(2) implementing laws and internal agency policies relating to preventing racial profiling; and

(3) analyzing and reporting collected information.

SECTION 4. Section 1701.253, Occupations Code, is amended by adding Subsection (e) to read as follows:

(e) As part of the minimum curriculum requirements, the commission shall establish a statewide comprehensive education and training program on racial profiling for officers licensed under this chapter. An officer shall complete a program established under this subsection not later than the second anniversary of the date the officer is licensed under this chapter or the date the officer applies for an intermediate proficiency certificate, whichever date is earlier.

SECTION 5. Section 1701.402, Occupations Code, is amended by adding Subsection (d) to read as follows:

(d) As a requirement for an intermediate proficiency certificate, an officer must complete an education and training program on racial profiling established by the commission under Section 1701.253(e).

SECTION 6. Section 543.202, Transportation Code, is amended to read as follows:

Sec. 543.202. FORM OF RECORD. (a) In this section, "race or ethnicity" means of a particular descent, including Caucasian, African, Hispanic, Asian, or Native American descent.

(b) The record must be made on a form or by a data processing method acceptable to the department and must include:

- (1) the name, address, physical description, including race or ethnicity, date of birth, and driver's license number of the person charged;
- (2) the registration number of the vehicle involved;
- (3) whether the vehicle was a commercial motor vehicle as defined by Chapter 522 or was involved in transporting hazardous materials;

(4) the person's social security number, if the person was operating a commercial motor vehicle or was the holder of a commercial driver's license or commercial driver learner's permit;

(5) the date and nature of the offense, including whether the offense was a serious traffic violation as defined by Chapter 522;

(6) whether a search of the vehicle was conducted and whether consent for the search was obtained;

(7) the plea, the judgment, and whether bail was forfeited;

(8) ~~(7)~~ the date of conviction; and

(9) ~~(8)~~ the amount of the fine or forfeiture.

SECTION 7. Not later than January 1, 2002, a law enforcement agency shall adopt and implement a policy and begin collecting information under the policy as required by Article 2.132, Code of Criminal Procedure, as added by this Act. A local law enforcement agency shall first submit information to the governing body of each county or municipality served by the agency as required by Article 2.132, Code of Criminal Procedure, as added by this Act, on March 1, 2003. The first submission of information shall consist of information compiled by the agency during the period beginning January 1, 2002, and ending December 31, 2002.

SECTION 8. A local law enforcement agency shall first submit information to the governing body of each county or municipality served by the agency as required by Article 2.134, Code of Criminal Procedure, as added by this Act, on March 1, 2004. The first submission of information shall consist of information compiled by the agency during the period beginning January 1, 2003, and ending December 31, 2003.

SECTION 9. Not later than January 1, 2002:

(1) the Commission on Law Enforcement Officer Standards and Education shall establish an education and training program on racial profiling as required by Subsection (e), Section 1701.253, Occupations Code, as added by this Act; and

(2) the Bill Blackwood Law Enforcement Management Institute of Texas shall establish a program on racial profiling as required by Subsection (j), Section 96.641, Education Code, as added by this Act.

SECTION 10. A person who on the effective date of this Act holds an intermediate proficiency certificate issued by the Commission on Law Enforcement Officer Standards and Education or has held a peace officer license issued by the Commission on Law Enforcement Officer Standards and Education for at least two years shall complete an education and training program on racial profiling established under Subsection (e), Section 1701.253, Occupations Code, as added by this Act, not later than September 1, 2003.

SECTION 11. An individual appointed or elected as a police chief before the effective date of this Act shall complete a program on racial profiling established under Subsection (j), Section 96.641, Education Code, as added by this Act, not later than September 1, 2003.

SECTION 12. This Act takes effect September 1, 2001.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 1074 passed the Senate on April 4, 2001, by the following vote: Yeas 28, Nays 2; May 21, 2001, Senate refused to concur in House amendments and requested appointment of Conference Committee; May 22, 2001, House granted request of the Senate; May 24, 2001, Senate adopted Conference Committee Report by a viva-voce vote.

Secretary of the Senate

I hereby certify that S.B. No. 1074 passed the House, with amendments, on May 15, 2001, by a non-record vote; May 22, 2001, House granted request of the Senate for appointment of Conference Committee; May 24, 2001, House adopted Conference Committee Report by a non-record vote.

Chief Clerk of the House

Approved:

Date

Governor

New Legal Requirements (H.B. 3389)

Amend CSHB 3389 (Senate committee report) as follows:

(1) Strike the following SECTIONS of the bill:

(A) SECTION 8, adding Section 1701.164, Occupations Code (page 4, lines 61-66);

(B) SECTION 24, amending Article 2.132(b), Code of Criminal Procedure (page 8, lines 19-53);

(C) SECTION 25, amending Article 2.134(b), Code of Criminal Procedure (page 8, lines 54-64);

(D) SECTION 28, providing transition language for the amendments to Articles 2.132(b) and 2.134(b), Code of Criminal Procedure (page 9, lines 40-47).

(2) Add the following appropriately numbered SECTIONS to the bill and renumber subsequent SECTIONS of the bill accordingly:

SECTION _____. Article 2.132, Code of Criminal Procedure, is amended by amending Subsections (a), (b), (d), and (e) and adding Subsection (g) to read as follows:

(a) In this article:

(1) "Law enforcement agency" means an agency of the state, or of a county, municipality, or other political subdivision of the state, that employs peace officers who make motor vehicle [~~traffic~~] stops in the routine performance of the officers' official duties.

(2) "Motor vehicle stop" means an occasion in which a peace officer stops a motor vehicle for an alleged violation of a law or ordinance.

(3) "Race or ethnicity" means of a particular descent, including Caucasian, African, Hispanic, Asian, [~~or~~] Native American, or Middle Eastern descent.

(b) Each law enforcement agency in this state shall adopt a detailed written policy on racial profiling. The policy must:

(1) clearly define acts constituting racial profiling;

(2) strictly prohibit peace officers employed by the agency from engaging in racial profiling;

(3) implement a process by which an individual may file a complaint with the agency if the individual believes that a peace officer employed by the agency has engaged in racial profiling with respect to the individual;

(4) provide public education relating to the agency's complaint process;

(5) require appropriate corrective action to be taken against a peace officer employed by the agency who, after an investigation, is shown to have engaged in racial profiling in violation of the agency's policy adopted under this article;

(6) require collection of information relating to motor vehicle [~~traffic~~] stops in which a citation is issued and to arrests made as a result of [~~resulting from~~] those [~~traffic~~] stops, including information relating to:

(A) the race or ethnicity of the individual detained; and

(B) whether a search was conducted and, if so, whether the individual [~~person~~] detained consented to the search; and

(C) whether the peace officer knew the race or ethnicity of the individual detained before detaining that individual; and

(7) require the chief administrator of the agency, regardless of whether the administrator is elected, employed, or appointed, to submit [to the governing body of each county or municipality served by the agency] an annual report of the information collected under Subdivision (6) to:

(A) the Commission on Law Enforcement Officer Standards and Education; and

(B) the governing body of each county or municipality served by the agency, if the agency is an agency of a county, municipality, or other political subdivision of the state.

(d) On adoption of a policy under Subsection (b), a law enforcement agency shall examine the feasibility of installing video camera and transmitter-activated equipment in each agency law enforcement motor vehicle regularly used to make motor vehicle [traffic] stops and transmitter-activated equipment in each agency law enforcement motorcycle regularly used to make motor vehicle [traffic] stops. If a law enforcement agency installs video or audio equipment as provided by this subsection, the policy adopted by the agency under Subsection (b) must include standards for reviewing video and audio documentation.

(e) A report required under Subsection (b)(7) may not include identifying information about a peace officer who makes a motor vehicle [traffic] stop or about an individual who is stopped or arrested by a peace officer. This subsection does not affect the collection of information as required by a policy under Subsection (b)(6).

(g) On a finding by the Commission on Law Enforcement Officer Standards and Education that the chief administrator of a law enforcement agency intentionally failed to submit a report required under Subsection (b)(7), the commission shall begin disciplinary procedures against the chief administrator.

SECTION ____ . Article 2.133, Code of Criminal Procedure, is amended to read as follows:

Art. 2.133. REPORTS REQUIRED FOR MOTOR VEHICLE [TRAFFIC AND PEDESTRIAN] STOPS. (a) In this article, "race[+]

[+]"Race] or ethnicity" has the meaning assigned by Article 2.132(a).

[+]"Pedestrian stop" means an interaction between a peace officer and an individual who is being detained for the purpose of a criminal investigation in which the individual is not under arrest.]

(b) A peace officer who stops a motor vehicle for an alleged violation of a law or ordinance [regulating traffic or who stops a pedestrian for any suspected offense] shall report to the law enforcement agency that employs the officer information relating to the stop, including:

(1) a physical description of any [each] person operating the motor vehicle who is detained as a result of the stop, including:

(A) the person's gender; and

(B) the person's race or ethnicity, as stated by the person or, if the person does not state the person's race or ethnicity, as determined by the officer to the best of the officer's ability;

(2) the initial reason for the stop [traffic law or ordinance alleged to have been violated or the suspected offense];

(3) whether the officer conducted a search as a result of the stop and, if so, whether the person detained consented to the search;

(4) whether any contraband or other evidence was discovered in the course of the search and a description ~~[the type]~~ of the contraband or evidence ~~[discovered]~~;

(5) the reason for the search, including whether:

(A) any contraband or other evidence was in plain view;

(B) any probable cause or reasonable suspicion existed to perform the search; or

(C) the search was performed as a result of the towing of the motor vehicle or the arrest of any person in the motor vehicle ~~[existed and the facts supporting the existence of that probable cause];~~

(6) whether the officer made an arrest as a result of the stop or the search, including a statement of whether the arrest was based on a violation of the Penal Code, a violation of a traffic law or ordinance, or an outstanding warrant and a statement of the offense charged;

(7) the street address or approximate location of the stop; and

(8) whether the officer issued a written warning or a citation as a result of the stop~~[, including a description of the warning or a statement of the violation charged]~~.

SECTION ____ . Article 2.134, Code of Criminal Procedure, is amended by amending Subsections (a) through (e) and adding Subsection (g) to read as follows:

(a) In this article:

(1) "Motor vehicle~~[, "pedestrian]~~ stop" has the meaning assigned by Article 2.132(a) ~~[means an interaction between a peace officer and an individual who is being detained for the purpose of a criminal investigation in which the individual is not under arrest]~~.

(2) "Race or ethnicity" has the meaning assigned by Article 2.132(a).

(b) A law enforcement agency shall compile and analyze the information contained in each report received by the agency under Article 2.133. Not later than March 1 of each year, each ~~[local]~~ law enforcement agency shall submit a report containing the incident-based data ~~[information]~~ compiled during the previous calendar year to the Commission on Law Enforcement Officer Standards and Education and, if the law enforcement agency is a local law enforcement agency, to the governing body of each county or municipality served by the agency ~~[in a manner approved by the agency]~~.

(c) A report required under Subsection (b) must be submitted by the chief administrator of the law enforcement agency, regardless of whether the administrator is elected, employed, or appointed, and must include:

(1) a comparative analysis of the information compiled under Article 2.133 to:

(A) evaluate and compare the number of motor vehicle stops, within the applicable jurisdiction, of persons who are recognized as racial or ethnic minorities and persons who are

not recognized as racial or ethnic minorities ~~[determine the prevalence of racial profiling by peace officers employed by the agency]~~; and

(B) examine the disposition of motor vehicle ~~[traffic and pedestrian]~~ stops made by officers employed by the agency, categorized according to the race or ethnicity of the affected persons, as appropriate, including any searches resulting from ~~[the] stops within the applicable jurisdiction;~~ and

(2) information relating to each complaint filed with the agency alleging that a peace officer employed by the agency has engaged in racial profiling.

(d) A report required under Subsection (b) may not include identifying information about a peace officer who makes a motor vehicle ~~[traffic or pedestrian]~~ stop or about an individual who is stopped or arrested by a peace officer. This subsection does not affect the reporting of information required under Article 2.133(b)(1).

(e) The Commission on Law Enforcement Officer Standards and Education, in accordance with Section 1701.162, Occupations Code, shall develop guidelines for compiling and reporting information as required by this article.

(g) On a finding by the Commission on Law Enforcement Officer Standards and Education that the chief administrator of a law enforcement agency intentionally failed to submit a report required under Subsection (b), the commission shall begin disciplinary procedures against the chief administrator.

SECTION ____ . Article 2.135, Code of Criminal Procedure, is amended to read as follows:

Art. 2.135. PARTIAL EXEMPTION FOR AGENCIES USING VIDEO AND AUDIO EQUIPMENT. (a) A peace officer is exempt from the reporting requirement under Article 2.133 and the chief administrator of a law enforcement agency, regardless of whether the administrator is elected, employed, or appointed, is exempt from the compilation, analysis, and reporting requirements under Article 2.134 if:

(1) during the calendar year preceding the date that a report under Article 2.134 is required to be submitted:

(A) each law enforcement motor vehicle regularly used by an officer employed by the agency to make motor vehicle ~~[traffic and pedestrian]~~ stops is equipped with video camera and transmitter-activated equipment and each law enforcement motorcycle regularly used to make motor vehicle ~~[traffic and pedestrian]~~ stops is equipped with transmitter-activated equipment; and

(B) each motor vehicle ~~[traffic and pedestrian]~~ stop made by an officer employed by the agency that is capable of being recorded by video and audio or audio equipment, as appropriate, is recorded by using the equipment; or

(2) the governing body of the county or municipality served by the law enforcement agency, in conjunction with the law enforcement agency, certifies to the Department of Public Safety, not later than the date specified by rule by the department, that the law enforcement agency needs funds or video and audio equipment for the purpose of installing video and audio equipment as described by Subsection (a)(1)(A) and the agency does not receive from the state funds or video and audio equipment sufficient, as determined by the department, for the agency to accomplish that

purpose.

(b) Except as otherwise provided by this subsection, a law enforcement agency that is exempt from the requirements under Article 2.134 shall retain the video and audio or audio documentation of each motor vehicle [~~traffic and pedestrian~~] stop for at least 90 days after the date of the stop. If a complaint is filed with the law enforcement agency alleging that a peace officer employed by the agency has engaged in racial profiling with respect to a motor vehicle [~~traffic or pedestrian~~] stop, the agency shall retain the video and audio or audio record of the stop until final disposition of the complaint.

(c) This article does not affect the collection or reporting requirements under Article 2.132.

(d) In this article, "motor vehicle stop" has the meaning assigned by Article 2.132(a).

SECTION _____. Chapter 2, Code of Criminal Procedure, is amended by adding Article 2.1385 to read as follows:

Art. 2.1385. CIVIL PENALTY. (a) If the chief administrator of a local law enforcement agency intentionally fails to submit the incident-based data as required by Article 2.134, the agency is liable to the state for a civil penalty in the amount of \$1,000 for each violation. The attorney general may sue to collect a civil penalty under this subsection.

(b) From money appropriated to the agency for the administration of the agency, the executive director of a state law enforcement agency that intentionally fails to submit the incident-based data as required by Article 2.134 shall remit to the comptroller the amount of \$1,000 for each violation.

(c) Money collected under this article shall be deposited in the state treasury to the credit of the general revenue fund.

SECTION _____. Subchapter A, Chapter 102, Code of Criminal Procedure, is amended by adding Article 102.022 to read as follows:

Art. 102.022. COSTS ON CONVICTION TO FUND STATEWIDE REPOSITORY FOR DATA RELATED TO CIVIL JUSTICE. (a) In this article, "moving violation" means an offense that:

- (1) involves the operation of a motor vehicle; and
- (2) is classified as a moving violation by the Department of Public Safety under Section 708.052, Transportation Code.

(b) A defendant convicted of a moving violation in a justice court, county court, county court at law, or municipal court shall pay a fee of 10 cents as a cost of court.

(c) In this article, a person is considered convicted if:

- (1) a sentence is imposed on the person;
- (2) the person receives community supervision, including deferred adjudication; or
- (3) the court defers final disposition of the person's case.

(d) The clerks of the respective courts shall collect the costs described by this article. The clerk shall keep separate records of the funds collected as costs under this article and shall deposit the funds in the county or municipal treasury, as appropriate.

(e) The custodian of a county or municipal treasury shall:

- (1) keep records of the amount of funds on deposit collected under this article; and

(2) send to the comptroller before the last day of the first month following each calendar quarter the funds collected under this article during the preceding quarter.

(f) A county or municipality may retain 10 percent of the funds collected under this article by an officer of the county or municipality as a collection fee if the custodian of the county or municipal treasury complies with Subsection (e).

(g) If no funds due as costs under this article are deposited in a county or municipal treasury in a calendar quarter, the custodian of the treasury shall file the report required for the quarter in the regular manner and must state that no funds were collected.

(h) The comptroller shall deposit the funds received under this article to the credit of the Civil Justice Data Repository fund in the general revenue fund, to be used only by the Commission on Law Enforcement Officer Standards and Education to implement duties under Section 1701.162, Occupations Code.

(i) Funds collected under this article are subject to audit by the comptroller.

SECTION _____. (a) Section 102.061, Government Code, as reenacted and amended by Chapter 921 (H.B. 3167), Acts of the 80th Legislature, Regular Session, 2007, is amended to conform to the amendments made to Section 102.061, Government Code, by Chapter 1053 (H.B. 2151), Acts of the 80th Legislature, Regular Session, 2007, and is further amended to read as follows:

Sec. 102.061. ADDITIONAL COURT COSTS ON CONVICTION IN STATUTORY COUNTY COURT: CODE OF CRIMINAL PROCEDURE. The clerk of a statutory county court shall collect fees and costs under the Code of Criminal Procedure on conviction of a defendant as follows:

(1) a jury fee (Art. 102.004, Code of Criminal Procedure) . . . \$20;

(2) a fee for services of the clerk of the court (Art. 102.005, Code of Criminal Procedure) . . . \$40;

(3) a records management and preservation services fee (Art. 102.005, Code of Criminal Procedure) . . . \$25;

(4) a security fee on a misdemeanor offense (Art. 102.017, Code of Criminal Procedure) . . . \$3;

(5) a juvenile delinquency prevention and graffiti eradication fee (Art. 102.0171, Code of Criminal Procedure) . . . \$50 [~~\$5~~]; [~~and~~]

(6) a juvenile case manager fee (Art. 102.0174, Code of Criminal Procedure) . . . not to exceed \$5; and

(7) a civil justice fee (Art. 102.022, Code of Criminal Procedure) . . . \$0.10.

(b) Section 102.061, Government Code, as amended by Chapter 1053 (H.B. 2151), Acts of the 80th Legislature, Regular Session, 2007, is repealed. Section 102.061, Government Code, as reenacted and amended by Chapter 921 (H.B. 3167), Acts of the 80th Legislature, Regular Session, 2007, to reorganize and renumber that section, continues in effect as further amended by this section.

SECTION _____. (a) Section 102.081, Government Code, as amended by Chapter 921 (H.B. 3167), Acts of the 80th Legislature, Regular Session, 2007, is amended to conform to the amendments made to Section 102.081, Government Code, by Chapter 1053 (H.B. 2151), Acts of the 80th Legislature, Regular Session, 2007, and is further amended to read as follows:

Sec. 102.081. ADDITIONAL COURT COSTS ON CONVICTION IN COUNTY COURT: CODE OF CRIMINAL PROCEDURE. The clerk of a county court shall collect fees and costs under the Code of Criminal Procedure on conviction of a defendant as follows:

- (1) a jury fee (Art. 102.004, Code of Criminal Procedure) . . . \$20;
- (2) a fee for clerk of the court services (Art. 102.005, Code of Criminal Procedure) . . . \$40;
- (3) a records management and preservation services fee (Art. 102.005, Code of Criminal Procedure) . . . \$25;
- (4) a security fee on a misdemeanor offense (Art. 102.017, Code of Criminal Procedure) . . . \$3;
- (5) a juvenile delinquency prevention and graffiti eradication fee (Art. 102.0171, Code of Criminal Procedure) . . . \$50 [~~\$5~~]; and
- (6) a juvenile case manager fee (Art. 102.0174, Code of Criminal Procedure) . . . not to exceed \$5; and
- (7) a civil justice fee (Art. 102.022, Code of Criminal Procedure) . . . \$0.10.

(b) Section 102.081, Government Code, as amended by Chapter 1053 (H.B. 2151), Acts of the 80th Legislature, Regular Session, 2007, is repealed. Section 102.081, Government Code, as amended by Chapter 921 (H.B. 3167), Acts of the 80th Legislature, Regular Session, 2007, to reorganize and renumber that section, continues in effect as further amended by this section.

SECTION _____. Section 102.101, Government Code, is amended to read as follows:

Sec. 102.101. ADDITIONAL COURT COSTS ON CONVICTION IN JUSTICE COURT: CODE OF CRIMINAL PROCEDURE. A clerk of a justice court shall collect fees and costs under the Code of Criminal Procedure on conviction of a defendant as follows:

- (1) a jury fee (Art. 102.004, Code of Criminal Procedure) . . . \$3;
- (2) a fee for withdrawing request for jury less than 24 hours before time of trial (Art. 102.004, Code of Criminal Procedure) . . . \$3;
- (3) a jury fee for two or more defendants tried jointly (Art. 102.004, Code of Criminal Procedure) . . . one jury fee of \$3;
- (4) a security fee on a misdemeanor offense (Art. 102.017, Code of Criminal Procedure) . . . \$4;
- (5) a fee for technology fund on a misdemeanor offense (Art. 102.0173, Code of Criminal Procedure) . . . \$4;
- (6) a juvenile case manager fee (Art. 102.0174, Code of Criminal Procedure) . . . not to exceed \$5;
- (7) a fee on conviction of certain offenses involving issuing or passing a subsequently dishonored check (Art. 102.0071, Code of Criminal Procedure) . . . not to exceed \$30; and
- (8) a court cost on conviction of a Class C misdemeanor in a county with a population of 3.3 million or more, if authorized by the county commissioners court (Art. 102.009, Code of Criminal Procedure) . . . not to exceed \$7; and
- (9) a civil justice fee (Art. 102.022, Code of Criminal Procedure) . . . \$0.10.

SECTION _____. Section 102.121, Government Code, is amended to read as follows:

Sec. 102.121. ADDITIONAL COURT COSTS ON CONVICTION IN MUNICIPAL COURT: CODE OF CRIMINAL PROCEDURE. The clerk of a municipal court shall collect fees and costs on conviction of a defendant as follows:

- (1) a jury fee (Art. 102.004, Code of Criminal Procedure) . . . \$3;
- (2) a fee for withdrawing request for jury less than 24 hours before time of trial (Art. 102.004, Code of Criminal Procedure) . . . \$3;
- (3) a jury fee for two or more defendants tried jointly (Art. 102.004, Code of Criminal Procedure) . . . one jury fee of \$3;
- (4) a security fee on a misdemeanor offense (Art. 102.017, Code of Criminal Procedure) . . . \$3;
- (5) a fee for technology fund on a misdemeanor offense (Art. 102.0172, Code of Criminal Procedure) . . . not to exceed \$4; [and]
- (6) a juvenile case manager fee (Art. 102.0174, Code of Criminal Procedure) . . . not to exceed \$5; and
- (7) a civil justice fee (Art. 102.022, Code of Criminal Procedure) . . . \$0.10.

SECTION _____. Subchapter D, Chapter 1701, Occupations Code, is amended by adding Section 1701.164 to read as follows:

Sec. 1701.164. COLLECTION OF CERTAIN INCIDENT-BASED DATA SUBMITTED BY LAW ENFORCEMENT AGENCIES. The commission shall collect and maintain incident-based data submitted to the commission under Article 2.134, Code of Criminal Procedure, including incident-based data compiled by a law enforcement agency from reports received by the law enforcement agency under Article 2.133 of that code. The commission in consultation with the Department of Public Safety, the Bill Blackwood Law Enforcement Management Institute of Texas, the W. W. Caruth, Jr., Police Institute at Dallas, and the Texas Police Chiefs Association shall develop guidelines for submitting in a standard format the report containing incident-based data as required by Article 2.134, Code of Criminal Procedure.

SECTION _____. Subsection (a), Section 1701.501, Occupations Code, is amended to read as follows:

(a) Except as provided by Subsection (d), the commission shall revoke or suspend a license, place on probation a person whose license has been suspended, or reprimand a license holder for a violation of:

- (1) this chapter;
- (2) the reporting requirements provided by Articles 2.132 and 2.134, Code of Criminal Procedure; or
- (3) a commission rule.

SECTION _____. (a) The requirements of Articles 2.132, 2.133, and 2.134, Code of Criminal Procedure, as amended by this Act, relating to the compilation, analysis, and submission of incident-based data apply only to information based on a motor vehicle stop occurring on or after January 1, 2010.

(b) The imposition of a cost of court under Article 102.022, Code of Criminal Procedure, as added by this Act, applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is covered by the law in effect when the offense was committed, and the former law is continued in effect for that purpose. For purposes of this

section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

(II) Responding to the Law

Institutional Policy on Racial Profiling



WYLIE POLICE DEPARTMENT POLICY

SUBJECT: Racial Profiling

NUMBER: 614

EFFECTIVE DATE: January 1, 2010

RELATED STANDARDS: Current policy
remains in effect until January 1, 2010

REVIEW DATE: November 24, 2011

APPROVED: _____

Chief John Duscio

DATED: 11/30/2009

I. PURPOSE

The purpose of this policy is to reaffirm the Wylie Police Department's commitment to unbiased policing in all its encounters between officers and any person; to reinforce procedures that serve to ensure public confidence and mutual trust through the provision of services in a fair and equitable fashion; and to protect our officers from unwarranted accusations of misconduct when they act within the dictates of department policy and the law.

II. POLICY

It is the policy of this department to police in a proactive manner and, to aggressively investigate suspected violations of law. Officers shall actively enforce state and federal laws in a responsible and professional manner, without regard to race, ethnicity or national origin. Officers are strictly prohibited from engaging in a racial profiling as defined in this policy. This policy shall be applicable to all persons, whether drivers, passengers or pedestrians.

Officers shall conduct themselves in a dignified and respectful manner at all times when dealing with the public. Two of the fundamental rights guaranteed by both the United States and Texas constitutions are equal protection under the law and freedom from unreasonable searches and seizures by government agents. The right of all persons to be treated equally and to be free from unreasonable searches and seizures must be respected. Racial profiling is an unacceptable patrol tactic and will not be condoned.

This policy shall not preclude officers from offering assistance, such as upon observing a substance leaking from a vehicle, a flat tire, or someone who appears to be ill, lost or confused. Nor does this policy prohibit stopping someone suspected of a crime based upon observed actions and/or information received about the person.

III. DEFINITIONS

Racial Profiling: A law enforcement-initiated action based on an individual's race, ethnicity, or national origin rather than on the individual's behavior or on information identifying the individual as having engaged in criminal activity.

Racial profiling pertains to persons who are viewed as suspects or potential suspects of criminal behavior. The term is not relevant as it pertains to witnesses, complainants or other citizen contacts.

The prohibition against racial profiling does not preclude the use of race, ethnicity or national origin as factors in a detention decision when used as part of an actual description of a specific suspect for whom an officer is searching. Detaining an individual and conducting an inquiry into that person's activities simply because of that individual's race, ethnicity or national origin is racial profiling. Examples of racial profiling include but are not limited to the following.

- Citing a driver who is speeding in a stream of traffic where most other drivers are speeding because of the cited driver's race, ethnicity or national origin.
- Detaining the driver of a vehicle based on the determination that a person of that race, ethnicity or national origin is unlikely to own or possess that specific make or model of vehicle.
- Detaining an individual based upon the determination that a person of that race, ethnicity or national origin does not belong in a specific part of town or a specific place.

A law enforcement agency can derive two principles from the adoption of this definition of racial profiling

- Police may not use racial or ethnic stereotypes as factors in selecting whom to stop and search, while police may use race in conjunction with other known factors of the suspect.
- Law enforcement officers may not use racial or ethnic stereotypes as factors in selecting whom to stop and search. Racial profiling is not relevant as it pertains to witnesses, etc.

Race or Ethnicity: Of a particular decent, including Caucasian, African, Hispanic, Asian, Native American or Middle Eastern Descent.

"Motor vehicle stop" means an occasion in which a peace officer stops a motor vehicle for an alleged violation of a law or ordinance

III. TRAINING

- A. Officers are responsible to adhere to all Texas Commission of Law Enforcement Officer Standards and Education (TCLEOSE) training and

the Law Enforcement Management Institute of Texas (LEMIT) requirements as mandated by law.

- B. All officers shall complete a TCLEOSE training and education program on racial profiling not later than the second anniversary of the date the officer is licensed under Chapter 1701 of the Texas Occupations Code or the date the officer applies for an intermediate proficiency certificate, whichever date is earlier. A person who on September 1, 2001, held a TCLEOSE intermediate proficiency certificate, or who had held a peace officer license issued by TCLEOSE for at least two years, shall complete a TCLEOSE training and education program on racial profiling not later than September 1, 2003.
- C. The Chief of Police, as part of the initial training and continued education for such appointment, will be required to attend the LEMIT program on racial profiling.
- D. An individual appointed as a police chief before the effective date of this Act shall complete the program on racial profiling established under Subsection (j), Section 96.641, Education Code, as added by this Act, not later than September 1, 2003.

IV. COMPLAINT INVESTIGATION

- A. The department shall accept complaints from any person who believes he or she has been stopped or searched based on racial, ethnic or national origin profiling.
- B. No person shall be discouraged, intimidated or coerced from filing a complaint, nor discriminated against because he or she filed such a complaint.
- C. Any person who receives an allegation of racial profiling, including the officer who initiated the stop, shall record the person's name, address and telephone number, and forward the complaint through the appropriate channels or direct the individual(s). Any employee contacted shall provide to that person instructions on the complaint process and will report any allegation of racial profiling to their superior before the end of shift.
- D. Investigation of a complaint shall be conducted in a thorough and timely manner. All complaints will be acknowledged in writing to the initiator who will receive disposition regarding said complaint within a reasonable time period. The investigation shall be reduced to writing and any reviewer's comments or conclusions shall be filed with the Chief. When applicable, findings and/or suggestions for disciplinary action, retaining or changes in policy shall be filed with the Chief.
- E. If a racial profiling complaint is sustained against an officer, it will result in appropriate corrective and/or disciplinary action, up to and including termination.
- F. If there is a departmental video or audio recording the events upon which a complaint of racial profiling is based, upon commencement of an

investigation by this department into the complaint and written request of the officer made the subject of the complaint, this department shall promptly provide a copy of the recording to that officer.

VI. PUBLIC EDUCATION

This department will inform the public of its policy against racial profiling and the complaint process. Methods that may be utilized to inform the public are the news media, radio, service, or civic presentations, the internet, as well as governing board meetings. Additionally, information will be made available as appropriate in languages other than English.

VII. DATA COLLECTION AND REPORTING

A. An officer is required to collect information relating to motor vehicle stops in which a citation is issued or an arrest is made as a result of those stops. On the citation officers must include:

1. The race or ethnicity of the individual detained; as stated by the person or, if the person does not state the person's race or ethnicity, as determined by the officer to the best of the officer's ability;
2. The initial reason for the stop;
3. Whether a search was conducted;
4. The reason for the search, including any probable cause or reasonable suspicion that existed to perform the search;
5. If a search was conducted, whether the person detained consented to the search;
6. Whether contraband or other evidence was found in plain view;
7. Whether the search was a result of the towing of the motor vehicle or the arrest of any person in the motor vehicle;
8. If an arrest occurred, was the arrest based on a violation of the Penal Code, traffic law, ordinance, or outstanding warrant;
9. Whether the person contacted is a resident or non-resident of the City of Wylie.
10. Whether the peace officer knew the race or ethnicity of the individual detained before detaining the individual; and,
11. Whether the peace officer issued a written warning or a citation as a result of the stop.

B. The information collected shall be compiled in an annual report covering the period of January 1 through December 31 of each year, and shall be submitted to the governing body of the City of Wylie no later than March 1, of the following year. The report will include

1. A breakdown of motor vehicle stops by race or ethnicity;

2. Number of citations that resulted in a search;
 3. Number of searches that were consensual; and
 4. Number of citations that resulted in custodial arrest for this cited violation or any other violation.
 5. The number of complaints by the department that officers were racially profiling.
- C. The annual report shall not include identifying information about any individual stopped or arrested, and shall not include identifying information about any peace officer involved in a stop or arrest.

VII. USE OF VIDEO AND AUDIO EQUIPMENT

- A. Each motor vehicle regularly used by this department to make motor vehicle stops shall be equipped with a video camera and transmitter-activated equipment, and
- B. Each motor vehicle stop made by an officer of this department that is capable of being recorded by video and audio, or audio as appropriate, shall be recorded.
- C. This department shall retain the video and audio tapes, or digital video and audio recording of each motor vehicle stop for at least ninety (90) days after the date of the stop. If a complaint is filed with this department alleging that one of our officers has engaged in racial profiling with respect to a motor vehicle stop, this department shall retain the video and audio tapes or digital video and audio recordings of the stop until final disposition of the complaint.
- D. Supervisors will ensure officers of this department are recording their motor vehicle stops. A recording of each officer will be reviewed at least once every ninety (90) days.
 1. If the equipment used to record audio and video of a motor vehicle stop is malfunctioning or otherwise not operable, officers will drive a vehicle with operable video equipment. Police units with malfunctioning or inoperable mobile video camera equipment shall not be utilized, under normal circumstances.
 2. Supervisors shall have the authority to assign units with malfunctioning or inoperable mobile video equipment when situations dictate.

Complaint Process: Informing the Public and Addressing Allegations of Racial Profiling Practices

Informing the Public on the Process of Filing a Racial Profiling Complaint with the Wylie Police Department

The Texas Racial Profiling Law requires that police agencies provide information to the public regarding the manner in which to file a racial profiling complaint. In an effort to comply with this particular component, the Wylie Police Department launched an educational campaign aimed at informing the public on issues relevant to the racial profiling complaint process.

The police department made available, in the lobby area, information relevant to filing a complaint on a racial profiling violation by a Wylie Police officer. It is believed that through these efforts, the community has been properly informed of the new policies and the complaint processes relevant to racial profiling.

Racial Profiling Training

Racial Profiling Training

Since 2002, all Wylie Police officers have been instructed, as specified in the Texas Racial Profiling Law, to adhere to all Texas Commission on Law Enforcement Officer Standards and Education (TCLEOSE) training and the Law Enforcement Management Institute of Texas (LEMIT) requirements. To date, all sworn officers of the Wylie Police Department have completed the TCLEOSE basic training on racial profiling. The main outline used to train the officers of Wylie has been included in this report.

It is important to recognize that the Chief of the Wylie Police Department has also met the training requirements, as specified by the Texas Racial Profiling Law, in the completion of the LEMIT program on racial profiling. The satisfactory completion of the racial profiling training by the sworn personnel of the Wylie Police Department fulfills the training requirement as specified in the Education Code (96.641) of the Texas Racial Profiling Law.

**Racial Profiling
Course Number 3256
Texas Commission on Law Enforcement
September 2001**

Racial Profiling 3256

Instructor's Note:

You may wish to teach this course in conjunction with Asset Forfeiture 3255 because of the related subject matter and applicability of the courses. If this course is taught in conjunction with Asset Forfeiture, you may report it under Combined Profiling and Forfeiture 3257 to reduce data entry.

Abstract

This instructor guide is designed to meet the educational requirement for racial profiling established by legislative mandate: 77R-SB1074.

Target Population: Licensed law enforcement personnel in Texas

Prerequisites: Experience as a law enforcement officer

Length of Course: A suggested instructional time of 4 hours

Material Requirements: Overhead projector, chalkboard and/or flip charts, video tape player, handouts, practical exercises, and demonstrations

Instructor Qualifications: Instructors should be very knowledgeable about traffic stop procedures and law enforcement issues

Evaluation Process and Procedures

An examination should be given. The instructor may decide upon the nature and content of the examination. It must, however, sufficiently demonstrate the mastery of the subject content by the student.

Reference Materials

Reference materials are located at the end of the course. An electronic copy of this instructor guide may be downloaded from our web site at <http://www.tcleose.state.tx.us>.

Racial Profiling 3256

1.0 RACIAL PROFILING AND THE LAW

1.1 UNIT GOAL: The student will be able to identify the legal aspects of racial profiling.

1.1.1 LEARNING OBJECTIVE: The student will be able to identify the legislative requirements placed upon peace officers and law enforcement agencies regarding racial profiling.

Racial Profiling Requirements:

Racial profiling CCP 3.05

Racial profiling prohibited CCP 2.131

Law enforcement policy on racial profiling CCP 2.132

Reports required for traffic and pedestrian stops CCP 2.133

Liability CCP 2.136

Racial profiling education for police chiefs Education Code 96.641

Training program Occupations Code 1701.253

Training required for intermediate certificate Occupations Code 1701.402

Definition of "race or ethnicity" for form Transportation Code 543.202

A. Written departmental policies

1. Definition of what constitutes racial profiling
2. Prohibition of racial profiling
3. Complaint process
4. Public education
5. Corrective action
6. Collection of traffic-stop statistics
7. Annual reports

B. Not prima facie evidence

C. Feasibility of use of video equipment

D. Data does not identify officer

E. Copy of complaint-related video evidence to officer in question

F. Vehicle stop report

1. Physical description of detainees: gender, race or ethnicity
2. Alleged violation
3. Consent to search
4. Contraband
5. Facts supporting probable cause
6. Arrest
7. Warning or citation issued

G. Compilation and analysis of data

H. Exemption from reporting – audio/video equipment

I. Officer non-liability

J. Funding

K. Required training in racial profiling

1. Police chiefs

2. All holders of intermediate certificates and/or two-year-old licenses as of 09/01/2001 (training to be completed no later than 09/01/2003) – see legislation 77R-SB1074

1.1.2 LEARNING OBJECTIVE: The student will become familiar with Supreme Court decisions and other court decisions involving appropriate actions in traffic stops.

A. Whren v. United States, 517 U.S. 806, 116 S.Ct. 1769 (1996)

1. Motor vehicle search exemption

2. Traffic violation acceptable as pretext for further investigation

3. Selective enforcement can be challenged

B. Terry v. Ohio, 392 U.S. 1, 88 S.Ct. 1868 (1968)

1. Stop & Frisk doctrine

2. Stopping and briefly detaining a person

3. Frisk and pat down

C. Other cases

1. Pennsylvania v. Mimms, 434 U.S. 106, 98 S.Ct. 330 (1977)

2. Maryland v. Wilson, 117 S.Ct. 882 (1997)

3. Graham v. State, 119 MdApp 444, 705 A.2d 82 (1998)

4. Pryor v. State, 122 Md.App. 671 (1997) cert. denied 352 Md. 312, 721 A.2d 990 (1998)

5. Ferris v. State, 355 Md. 356, 735 A.2d 491 (1999)

6. New York v. Belton, 453 U.S. 454 (1981)

2.0 RACIAL PROFILING AND THE COMMUNITY

2.1 UNIT GOAL: The student will be able to identify logical and social arguments against racial profiling.

2.1.1 LEARNING OBJECTIVE: The student will be able to identify logical and social arguments against racial profiling.

A. There are appropriate reasons for unusual traffic stops (suspicious behavior, the officer's intuition, MOs, etc.), but police work must stop short of cultural stereotyping and racism

B. Racial profiling would result in criminal arrests, but only because it would target all members of a race randomly – the minor benefits would be far outweighed by the distrust and anger towards law enforcement by minorities and the public as a whole

C. Racial profiling is self-fulfilling bad logic: if you believed that minorities committed more crimes, then you might look for more minority criminals, and find them in disproportionate numbers

D. Inappropriate traffic stops generate suspicion and antagonism towards officers and make future stops more volatile – a racially-based stop today can throw suspicion on tomorrow's legitimate stop

E. By focusing on race, you would not only be harassing innocent citizens, but overlooking criminals of all races and backgrounds – it is a waste of law enforcement resources

3.0 RACIAL PROFILING VERSUS REASONABLE SUSPICION

3.1 UNIT GOAL: The student will be able to identify the elements of both inappropriate and appropriate traffic stops.

3.1.1 LEARNING OBJECTIVE: The student will be able to identify elements of a racially motivated traffic stop.

A. Most race-based complaints come from vehicle stops, often since race is used as an inappropriate substitute for drug courier profile elements

B. "DWB" – "Driving While Black" – a nickname for the public perception that a Black person may be stopped solely because of their race (especially with the suspicion that they are a drug courier), often extended to other minority groups or activities as well ("Driving While Brown," "Flying While Black," etc.)

C. A typical traffic stop resulting from racial profiling

1. The vehicle is stopped on the basis of a minor or contrived traffic violation which is used as a pretext for closer inspection of the vehicle, driver, and passengers

2. The driver and passengers are questioned about things that do not relate to the traffic violation

3. The driver and passengers are ordered out of the vehicle
4. The officers visually check all observable parts of the vehicle
5. The officers proceed on the assumption that drug courier work is involved by detaining the driver and passengers by the roadside
6. The driver is asked to consent to a vehicle search – if the driver refuses, the officers use other procedures (waiting on a canine unit, criminal record checks, license-plate checks, etc.), and intimidate the driver (with the threat of detaining him/her, obtaining a warrant, etc.)

3.1.2 LEARNING OBJECTIVE: The student will be able to identify elements of a traffic stop which would constitute reasonable suspicion of drug courier activity.

A. Drug courier profile (adapted from a profile developed by the DEA)

1. Driver is nervous or anxious beyond the ordinary anxiety and cultural communication styles
2. Signs of long-term driving (driver is unshaven, has empty food containers, etc.)
3. Vehicle is rented
4. Driver is a young male, 20-35
5. No visible luggage, even though driver is traveling
6. Driver was over-reckless or over-cautious in driving and responding to signals
7. Use of air fresheners

B. Drug courier activity indicators by themselves are usually not sufficient to justify a stop

3.1.3 LEARNING OBJECTIVE: The student will be able to identify elements of a traffic stop which could constitute reasonable suspicion of criminal activity.

A. Thinking about the totality of circumstances in a vehicle stop

B. Vehicle exterior

1. Non-standard repainting (esp. on a new vehicle)
2. Signs of hidden cargo (heavy weight in trunk, windows do not roll down, etc.)
3. Unusual license plate suggesting a switch (dirty plate, bugs on back plate, etc.)
4. Unusual circumstances (pulling a camper at night, kids' bikes with no kids, etc.)

C. Pre-stop indicators

1. Not consistent with traffic flow
2. Driver is overly cautious, or driver/passengers repeatedly look at police car
3. Driver begins using a car- or cell-phone when signaled to stop
4. Unusual pull-over behavior (ignores signals, hesitates, pulls onto new street, moves objects in car, etc.)

D. Vehicle interior

1. Rear seat or interior panels have been opened, there are tools or spare tire, etc.
2. Inconsistent items (anti-theft club with a rental, unexpected luggage, etc.)

Resources

Proactive Field Stops Training Unit – Instructor's Guide, Maryland Police and Correctional Training Commissions, 2001. (See Appendix A.)

Web address for legislation 77R-SB1074:

<http://tlo2.tlc.state.tx.us/tlo/77r/billtext/SB01074F.htm>

Report on Complaints

Report on Complaints

The following table contains data regarding officers that have been the subject of a complaint, during the time period of 1/1/10---12/31/10, based on allegations outlining possible violations related to the Texas Racial Profiling Law. The final disposition of the case is also included.

☒ X

A check above indicates that the Wylie Police Department has not received any complaints, on any members of its police force, for having violated the Texas Racial Profiling Law during the time period of 1/1/10 ---- 12/31/10.

Complaints Filed for Possible Violations of The Texas Racial Profiling Law

Complaint No.	Alleged Violation			Disposition of the Case

Additional Comments:

Tables Illustrating Traffic and Motor Vehicle-Related Contacts

Tier 1 Data

(I) Tier 1 Data

Motor Vehicle-Related Contact Information (1/1/10—12/31/10)

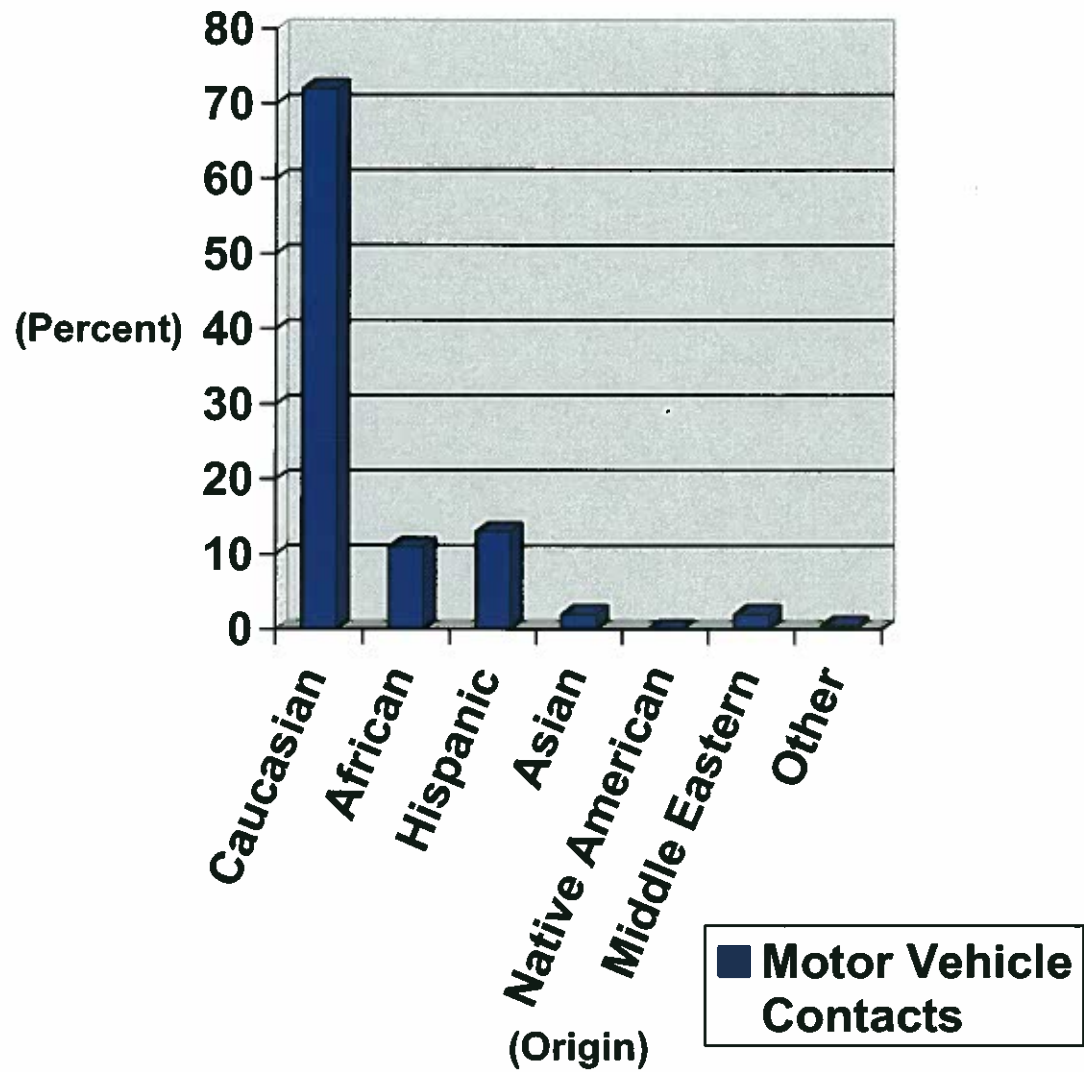
Race/Ethnicity*	Contacts		Searches		Consensual Searches		PC Searches		Custody Arrests	
	N	%	N	%	N	%	N	%	N	%
Caucasian	6,903	72	185	68	58	73	127	65	186	67
African	1,082	11	37	14	9	11	28	14	32	12
Hispanic	1,225	13	46	17	11	14	35	18	53	19
Asian	219	2	4	1	1	1	3	2	2	.7
Native American	1	.01	0	0	0	0	0	0	0	0
Middle Eastern	151	2	2	.7	0	0	2	1	2	.7
Other	44	.5	0	0	0	0	0	0	1	.4
Total	9,625	100	274	100	79	100**	195	100	276	100**

"N" represents "number" of traffic-related contacts

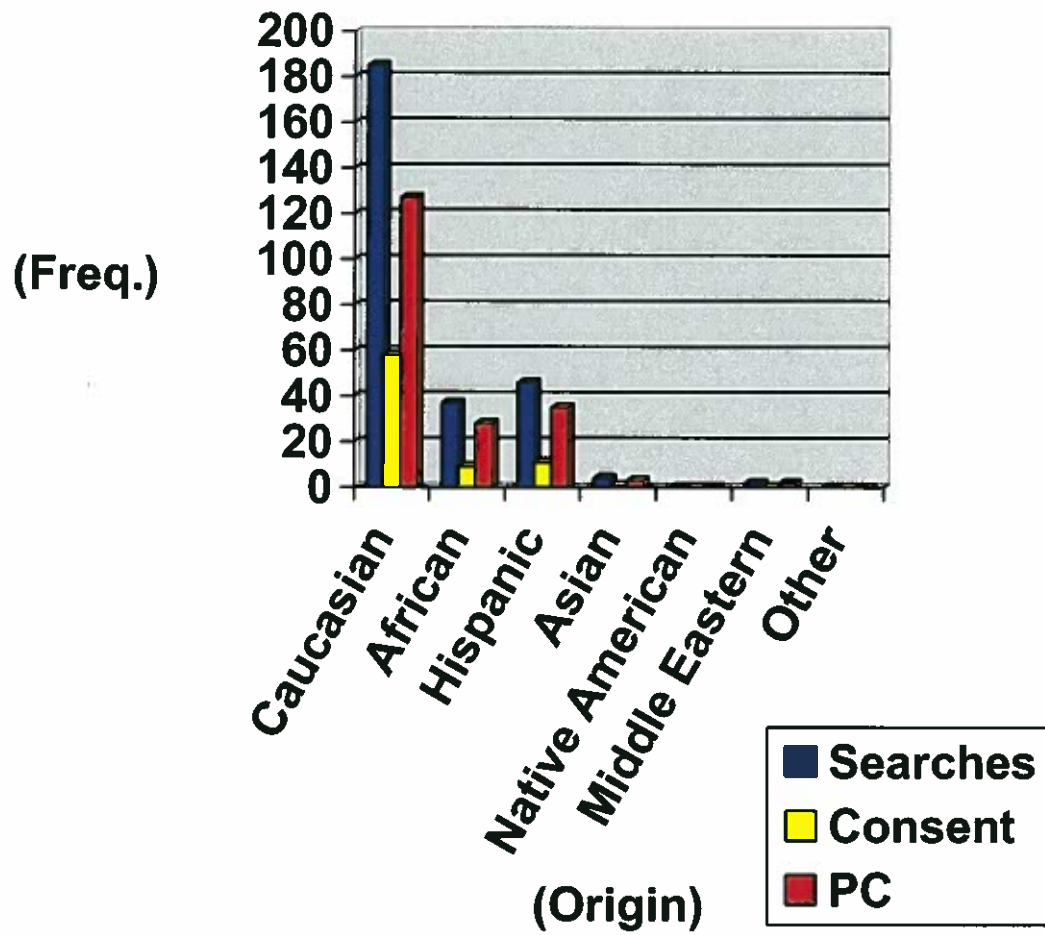
* Race/Ethnicity is defined by Senate Bill 1074 as being of a "particular descent, including Caucasian, African, Hispanic, Asian, Native American or Middle Eastern".

**Figure has been rounded

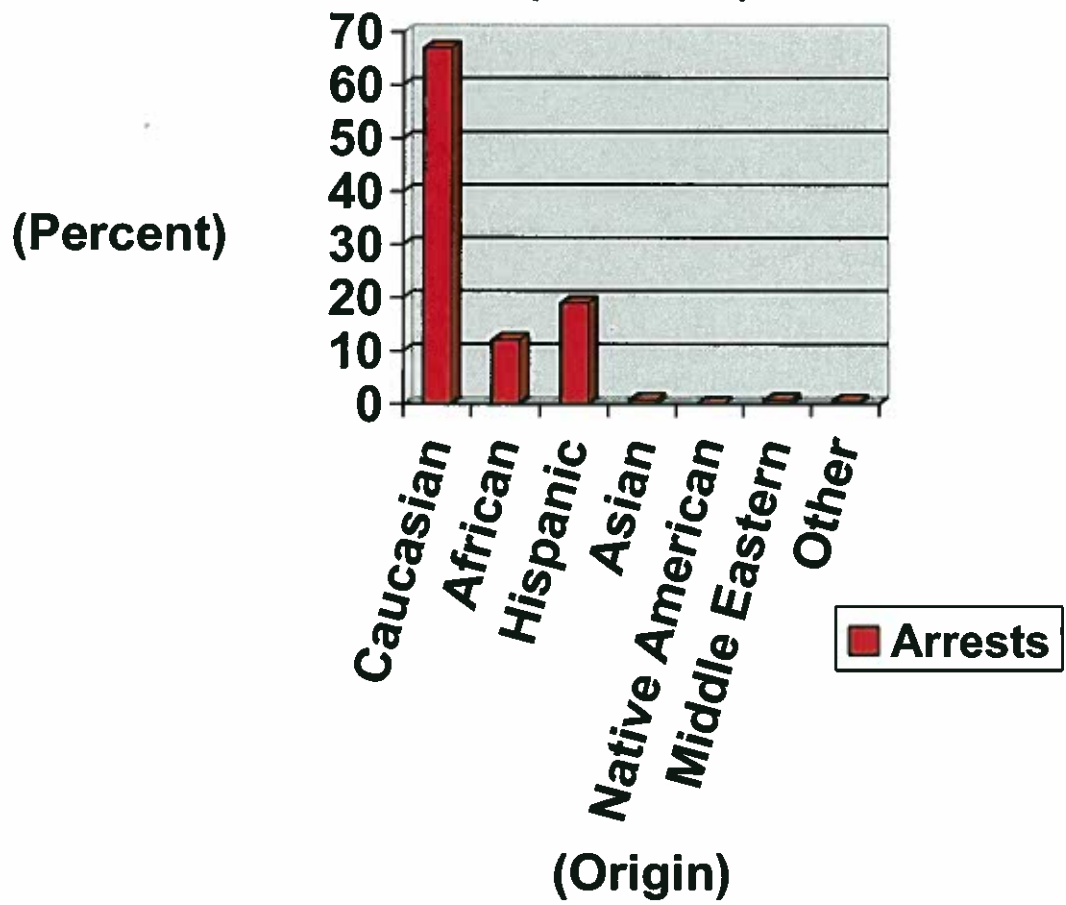
Tier 1 Data (Motor Vehicle Contacts)



Tier 1 Data (Searches)



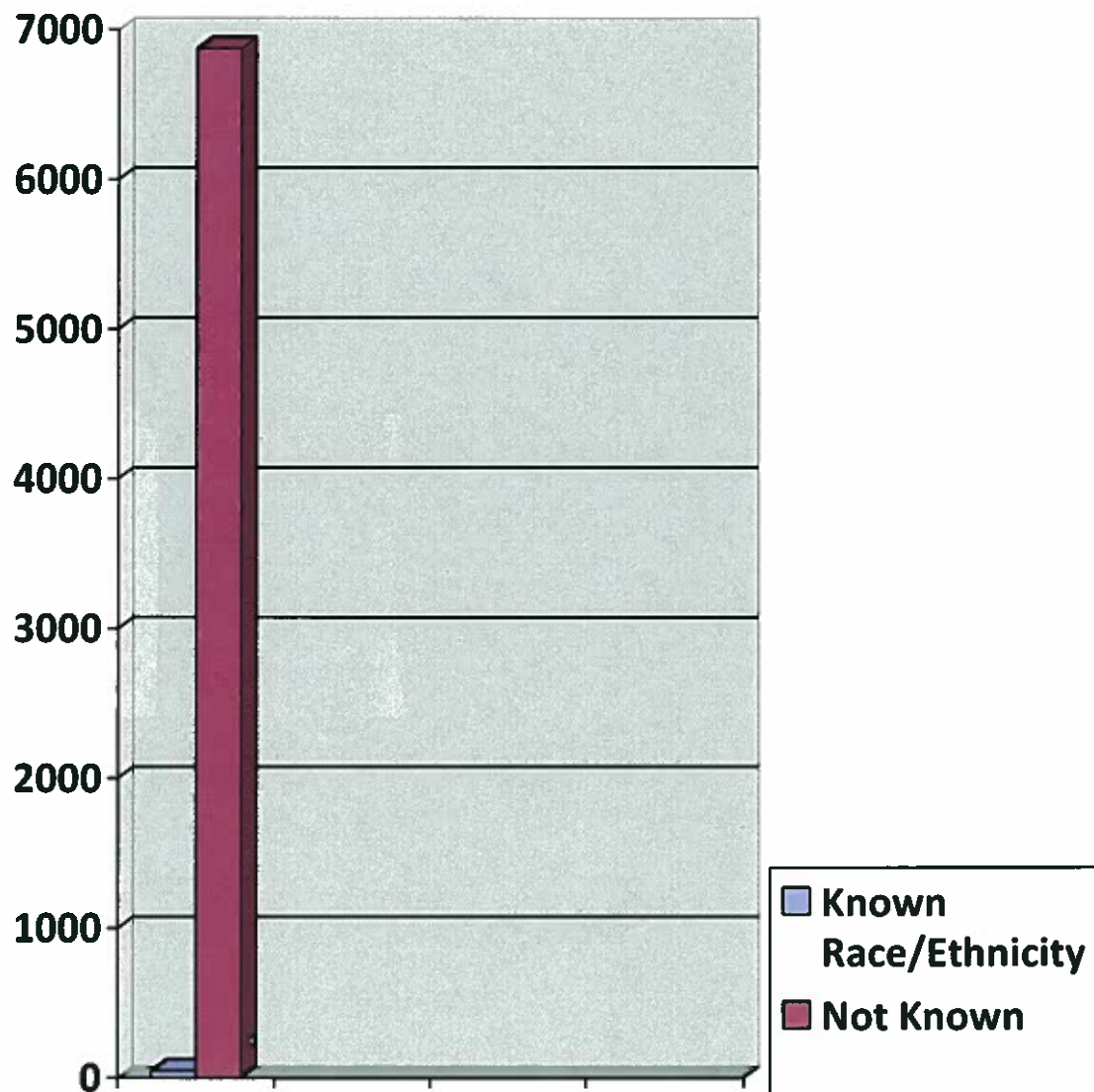
Tier 1 Data (Arrests)



Total Number of Individuals Whose Race or Ethnicity was Known/Not Known Prior to Being Detained (1/1/10--12/31/10)

Total Number of individuals Whose Race or Ethnicity was <u>Known</u> Prior to Being Detained	Total Number of individuals Whose Race or Ethnicity was <u>Not Known</u> Prior to Being Detained
50	6,875

Known/Not Known Race/Ethnicity (Frequencies)



Tier 1 Baseline Comparison (Fair Roads Standard)

(II) Motor Vehicle-Contacts and Fair Roads Standard Comparison

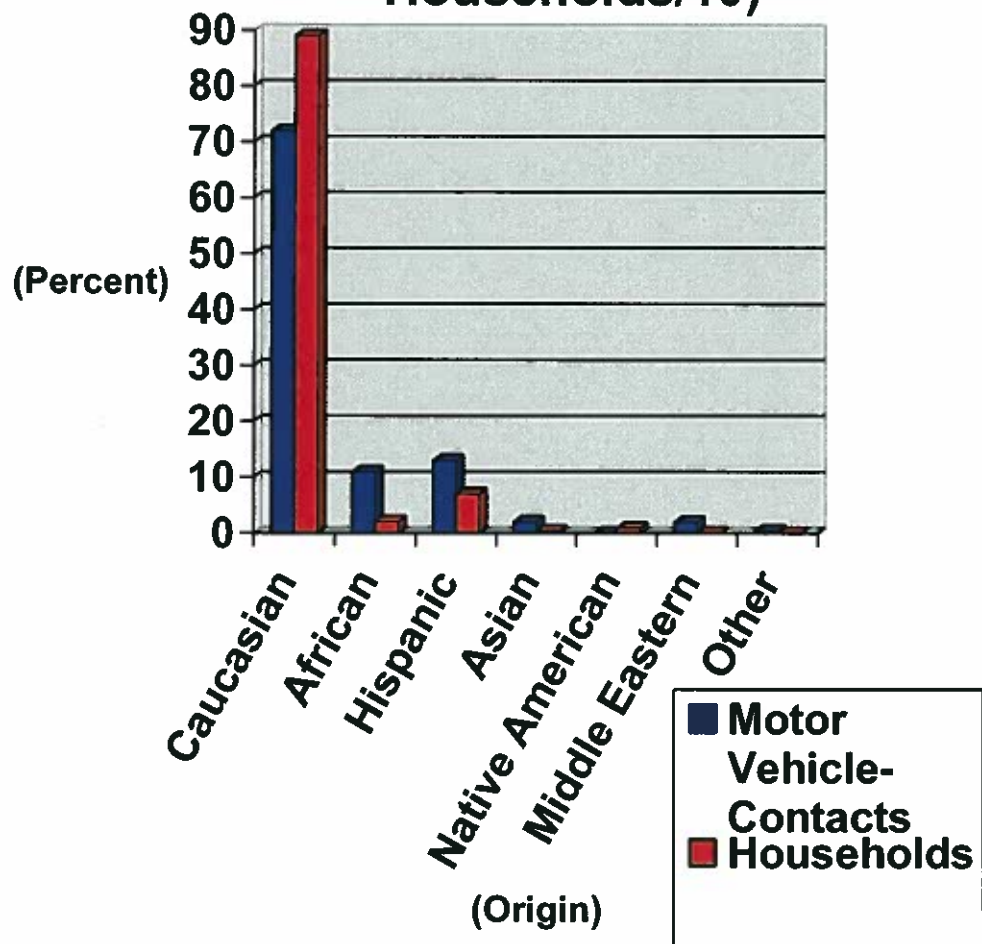
Comparison of motor vehicle-related contacts with households in Wylie that have vehicle access (in percentages). (1/1/10—12/31/10)

Race/Ethnicity*	Contacts (in percentages)	Households with vehicle access (in percentages)
Caucasian	72	89
African	11	2
Hispanic	13	7
Asian	2	.39
Native American	.01	.96
Middle Eastern	2	N/A
Other	.5	N/A
Total	100**	100**

* Race/Ethnicity are defined by Senate Bill 1074 as being of a "particular descent, including Caucasian, African, Hispanic, Asian, Native American and Middle Eastern".

**Represents rounded figure

Tier 1 (Motor Vehicle-Contacts and Households/10)



**Tier 1 Data
(Eight-Year Comparative Analysis)
(2002—2009)
and 2010 Analysis**

(III) Nine-Year Tier 1 Data Comparison

**Comparison of Nine-Year Traffic and Motor Vehicle-Related Contact
Information
(1/1/02---12/31/10)**

Race/Ethnicity*	Traffic-Related Contacts (in percentages)							
	(02)	(03)	(04)	(05)	(06)	(07)	(08)	(09)
Caucasian	80	74	75	76	79	71	71	73
African	3	4	6	8	9	10	11	11
Hispanic	16	21	18	15	11	16	14	13
Asian	.47	1	1	1	1	2	2	2
Native American	.06	0	0	0	0	.01	.05	.05
Other	.30	0	.24	.06	0	.8	1	2
Total	100**	100	100**	100	100	100**	100	100**

* Race/Ethnicity is defined by Texas Senate Bill 1074 as being of a "particular descent, including Caucasian, African, Hispanic, Asian, or Native American".

** Figure has been rounded.

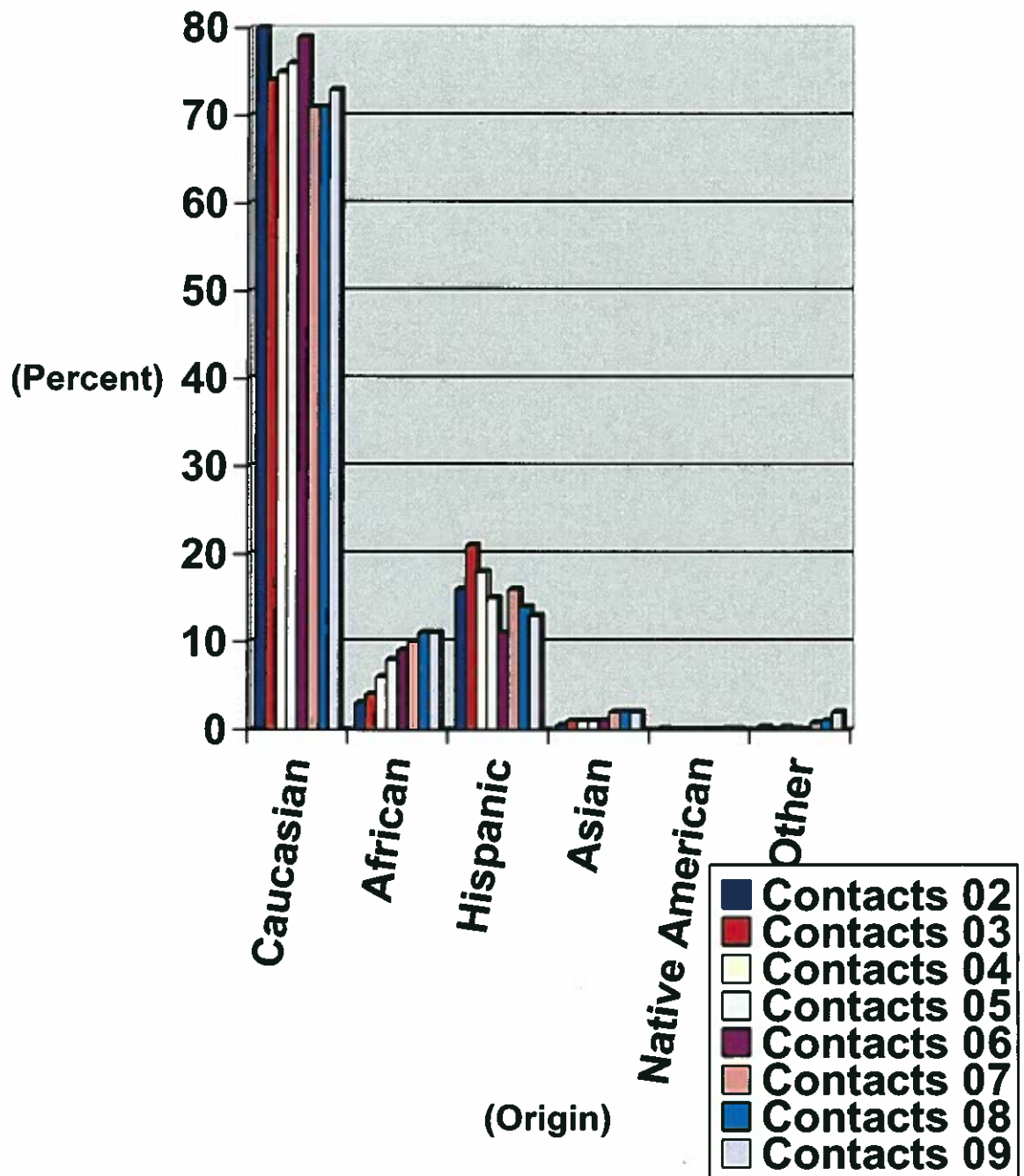
**Comparison of Nine-Year Traffic and Motor Vehicle-Related Contact Information
(1/1/02---12/31/10)**

Race/Ethnicity*	Motor Vehicle-Related Contacts (in percentages)
	(10)
Caucasian	72
African	11
Hispanic	13
Asian	2
Native American	.01
Middle Eastern	2
Other	.5
Total	100**

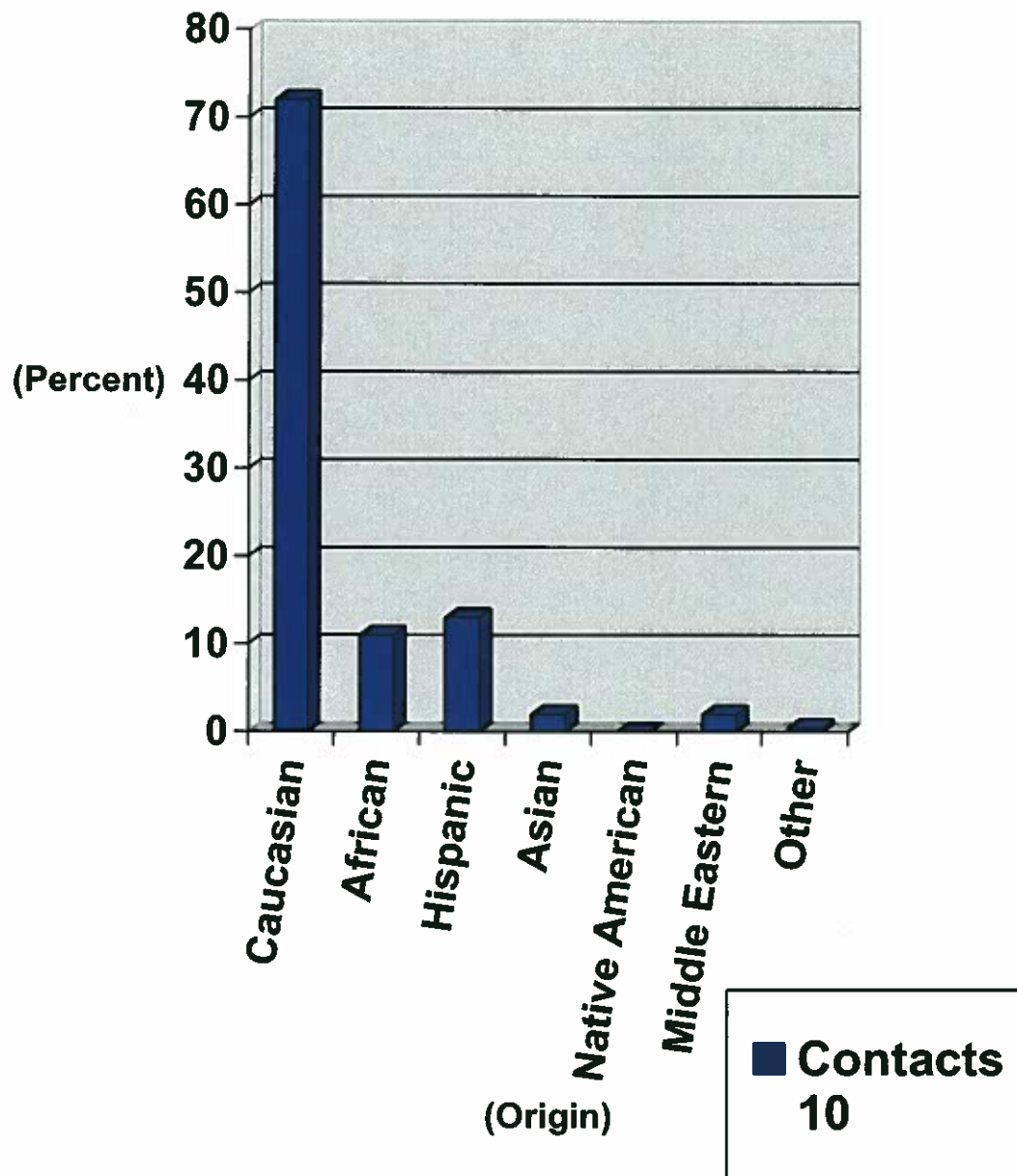
* Race/Ethnicity is defined by Texas Senate Bill 1074 as being of a "particular descent, including Caucasian, African, Hispanic, Asian, Native American and Middle Eastern".

** Figure has been rounded.

Tier 1 Data (Traffic-Contacts 02-09)



Tier 1 Data (Motor Vehicle-Contacts 2010)



**Comparison of Nine-Year Traffic and Motor-Vehicle Related Search
Information
(1/1/02---12/31/10)**

Race/Ethnicity*	Search-Related Contacts (in percentages)							
	(02)	(03)	(04)	(05)	(06)	(07)	(08)	(09)
Caucasian	79	64	59	53	81	73	68	71
African	3	1	8	2	5	11	14	12
Hispanic	18	34	31	44	14	15	16	15
Asian	0	.6	0	0	0	1	2	2
Native American	0	0	0	0	0	0	0	.3
Other	0	0	2	0	0	.3	.2	.3
Total	100	100**	100	100	100**	100**	100	100

* Race/Ethnicity is defined by Texas Senate Bill 1074 as being of a "particular descent, including Caucasian, African, Hispanic, Asian, or Native American".

** Figure has been rounded.

**Comparison of Nine-Year Traffic and Motor Vehicle-Related Search Information
(1/1/02---12/31/10)**

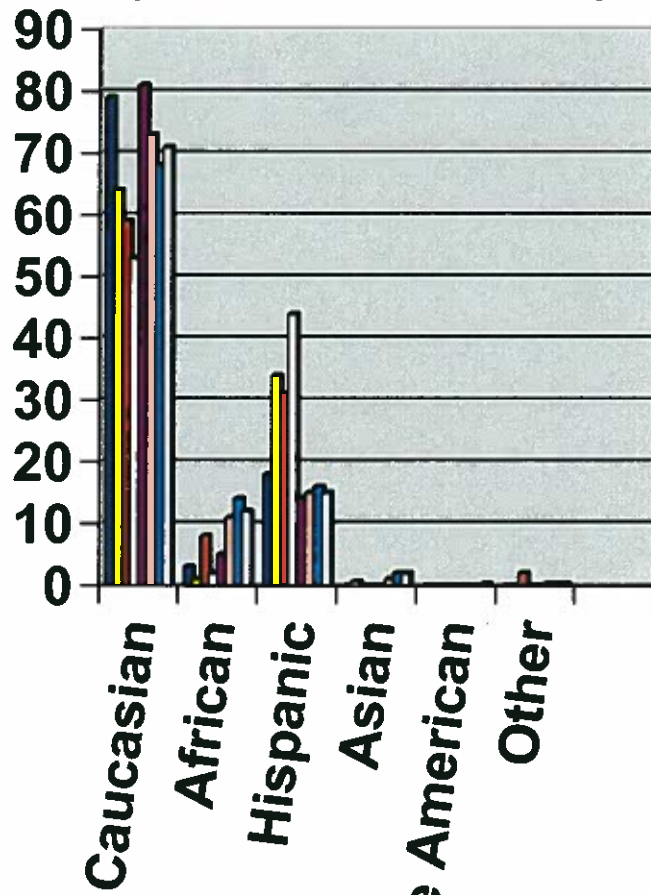
Race/Ethnicity*	Motor Vehicle-Related Searches (in percentages)
	(10)
Caucasian	68
African	14
Hispanic	17
Asian	1
Native American	0
Middle Eastern	.7
Other	0
Total	100**

* Race/Ethnicity is defined by Texas Senate Bill 1074 as being of a "particular descent, including Caucasian, African, Hispanic, Asian, Native American and Middle Eastern".

** Figure has been rounded.

Tier 1 Data (Searches 02-09)

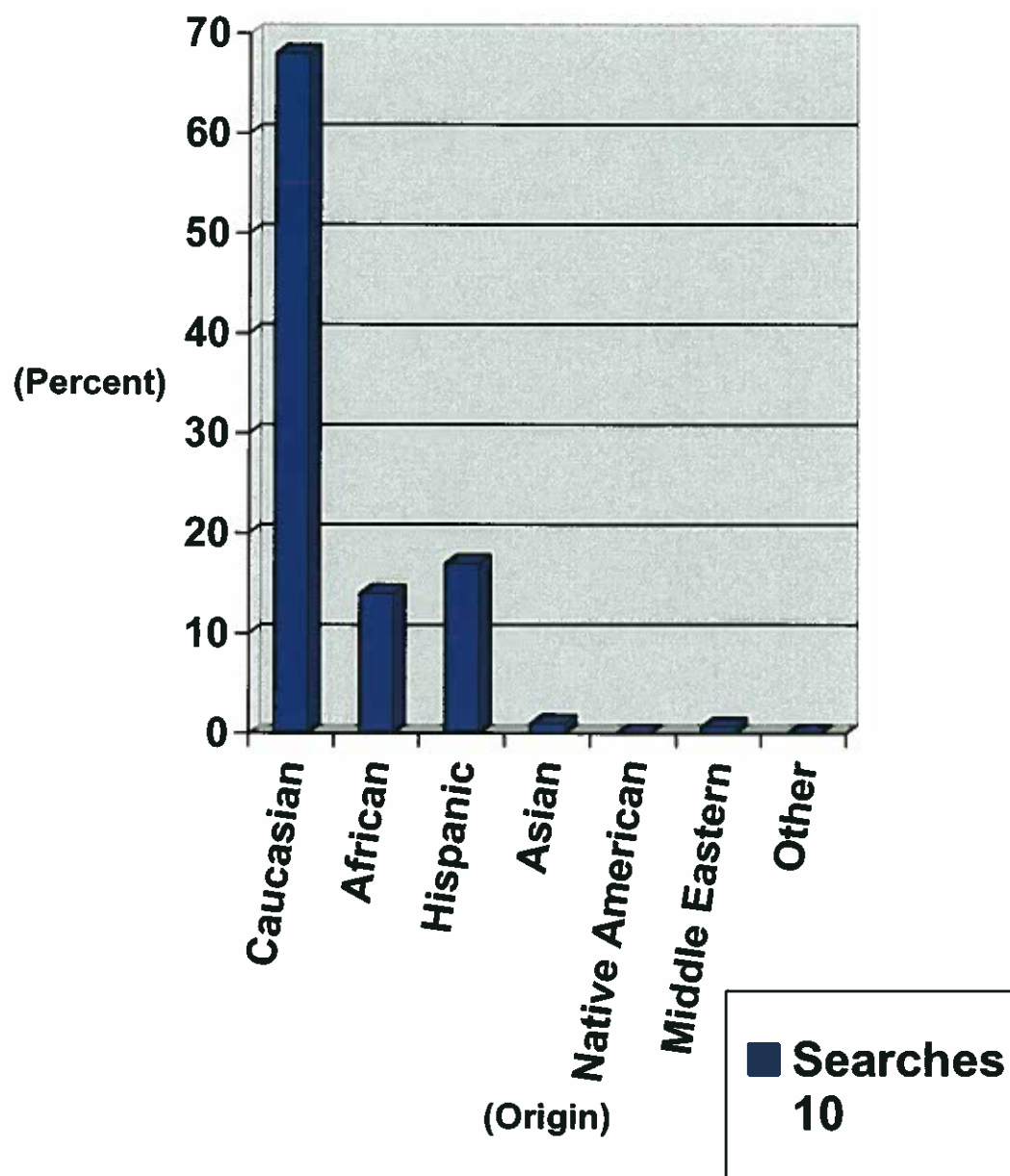
(Percent)



(Origin)

- Searches (02)
- Searches (03)
- Searches (04)
- Searches (05)
- Searches (06)
- Searches (07)
- Searches (08)
- Searches (09)

Tier 1 Data (Searches 2010)



**Comparison of Nine-Year Traffic and Motor Vehicle-Related Arrest
Information
(1/1/02---12/31/10)**

Race/Ethnicity*	Arrest-Related Contacts (in percentages)							
	(02)	(03)	(04)	(05)	(06)	(07)	(08)	(09)
Caucasian	77	43	57	50	67	66	67	66
African	3	1	4	7	12	12	13	15
Hispanic	19	54	38	42	21	20	18	16
Asian	0	2	0	0	0	1	2	2
Native American	0	0	0	0	0	0	0	.3
Other	0	0	1	1	0	.7	0	0
Total	100**	100	100	100	100**	100**	100	100

* Race/Ethnicity is defined by Texas Senate Bill 1074 as being of a "particular descent, including Caucasian, African, Hispanic, Asian, or Native American".

** Figure has been rounded.

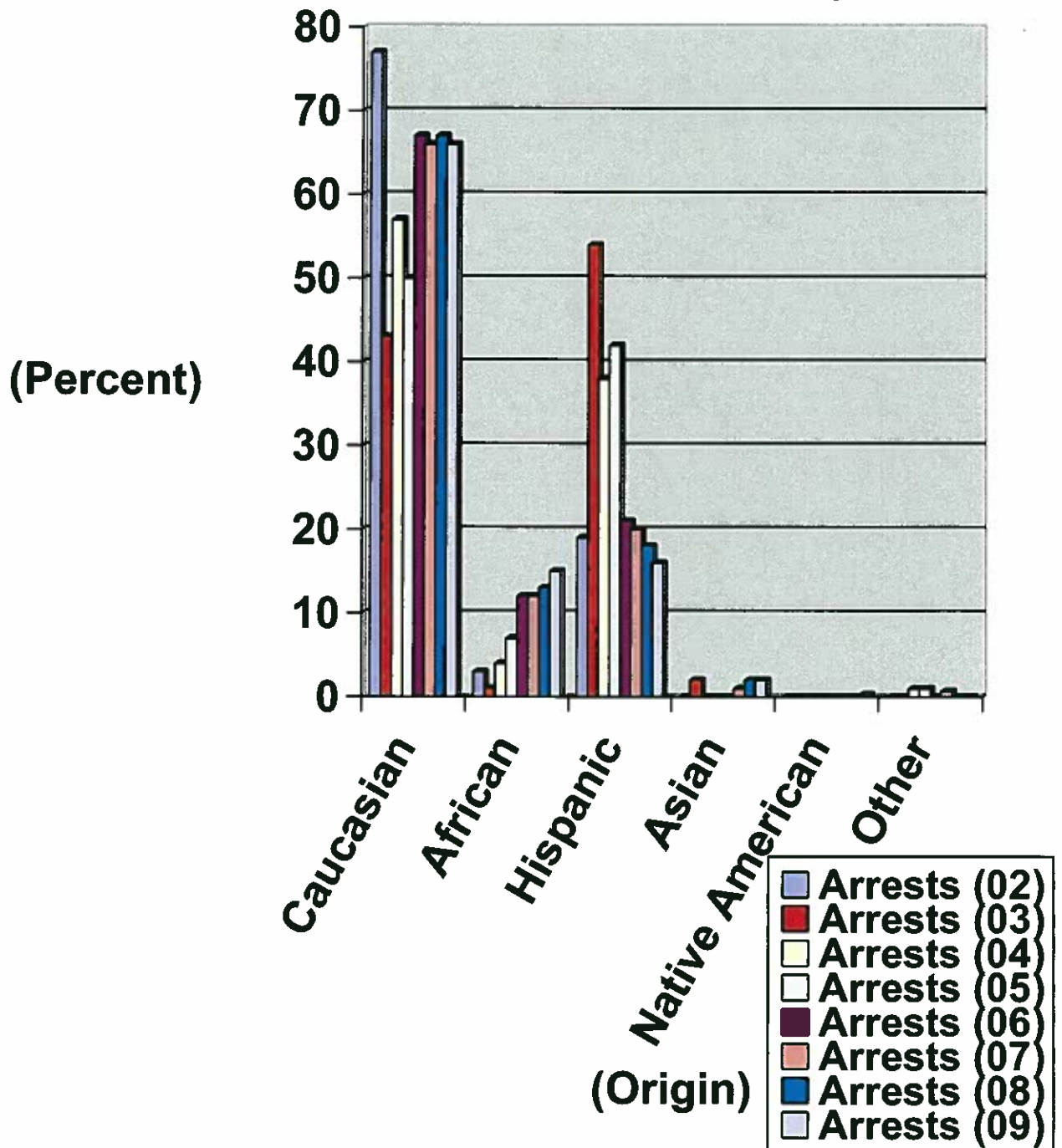
**Comparison of Nine-Year Traffic and Motor Vehicle-Related Arrest Information
(1/1/02---12/31/10)**

Race/Ethnicity*	Motor Vehicle-Related Arrests (in percentages)
	(10)
Caucasian	67
African	12
Hispanic	19
Asian	.7
Native American	0
Middle Eastern	.7
Other	.4
Total	100**

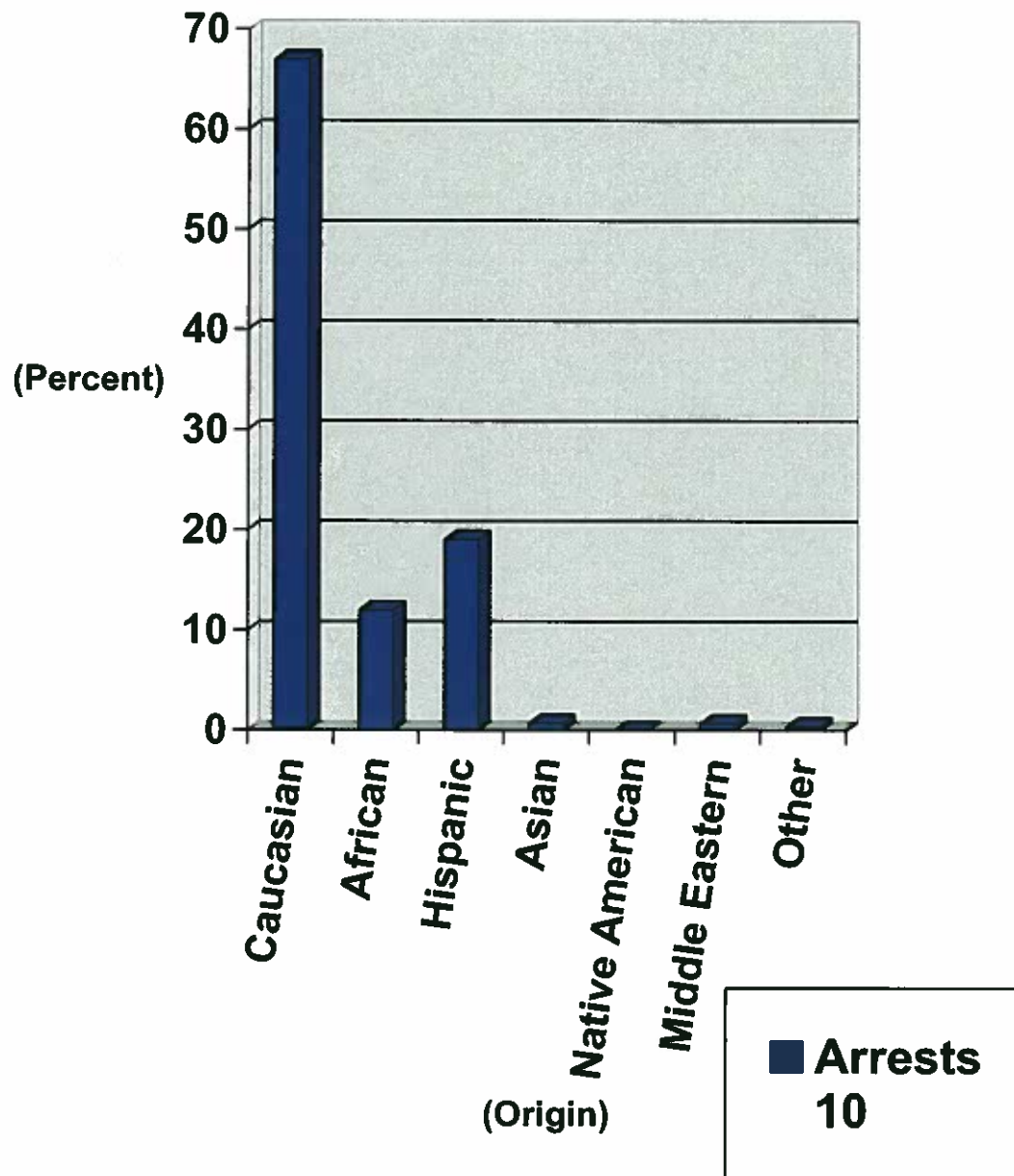
* Race/Ethnicity is defined by Texas Senate Bill 1074 as being of a "particular descent, including Caucasian, African, Hispanic, Asian, Native American and Middle Eastern".

** Figure has been rounded.

Tier 1 Data (Arrests 02-09)



Tier 1 Data (Arrests 2010)



Analysis and Interpretation of Data

Analysis

In 2001, the Texas Legislature passed Senate Bill 1074 which later became the Texas Racial Profiling Law. The law came into effect on January 1, 2002 and required that all police departments in Texas collect traffic-related data and report this information to their local governing authority by March 1st of each year. Recently, this was changed to all motor vehicle related contacts where a citation was issued or arrest made. In addition, the law requires that all police officers indicate whether or not they knew the race or ethnicity of the individual before detaining them. Further, the new law requires that agencies report motor vehicle related data to their local governing authority and the Texas Commission on Law Enforcement Officer Standards and Education (TCLEOSE) by March 1st of each year. The purpose in collecting and presenting this information is to determine if police officers in a particular municipality are engaging in the practice of profiling minority motorists.

In addition, the Texas Racial Profiling Law requires police departments to interpret motor vehicle-related data. Even though most researchers would probably agree with the fact that it is within the confines of good practice for police departments to be accountable to the citizenry while carrying a transparent image before the community, it is very difficult to determine if police departments are engaging in racial profiling, from a review or analysis of aggregate data. In other words, it is challenging for a reputable researcher to identify specific "individual" racist behavior from aggregate-level "institutional" data on traffic or motor vehicle-related contacts.

During the past legislative session, the Texas Legislature passed House Bill 3389 which modified the existing Racial Profiling Law by adding new requirements; this took effect on January 1st, 2010. These new changes include, but are not exclusive of, the re-definition of a contact to include motor vehicles where a citation was issued or an arrest made. In addition, it requires police officers to indicate if they knew the race or ethnicity of the individual before detaining them. Also, the new law requires adding "middle eastern" to the racial and ethnic category and submitting the annual traffic data report to TCLEOSE before March 1st of each year, starting this year. I am pleased to inform you that these new requirements have been addressed by the Wylie Police Department as it is demonstrated throughout this report.

The Wylie Police Department, in an effort to comply with The Texas Racial Profiling Law, commissioned the analysis of its 2010 traffic contact data. Thus, three different types of data analyses were performed. The first of these involved a careful evaluation of the 2010 motor vehicle-related data. This particular analysis measured, as required by the law, the number and percentage of Caucasians, African Americans, Hispanics, Asians, Native Americans, Middle Easterners and individuals belonging to the "other" category, that came in contact with the police in the course of a motor vehicle related stop, and were either issued a citation or arrested. Further, the analysis included information relevant to the number and percentage of searches (table 1) while indicating the type of search performed (i.e., consensual or probable cause). Also, the data analysis

included the number and percentage of individuals who, after they came in contact with the police for a traffic-related reason, were arrested.

The additional data analysis performed was based on a comparison of the 2010 traffic-contact data with a specific baseline. When reviewing this particular analysis, it should be noted that there is disagreement, in the literature, regarding the appropriate baseline to be used when analyzing traffic-related contact information. Of the baseline measures available, the Wylie Police Department opted to adopt, as a baseline measure, the Fair Roads Standard. This particular baseline is based on data obtained through the U.S. Census Bureau (2000) relevant to the number of households that have access to vehicles while controlling for the race and ethnicity of the heads of households.

It is clear that census data presents challenges to any effort made at establishing a fair and accurate racial profiling analysis. That is, census data contains information on all residents of a particular community, regardless of the fact they may or may not be among the driving population. Further, census data, when used as a baseline of comparison, presents the challenge that it captures information related to city residents only. Thus, excluding individuals who may have come in contact with the Wylie Police Department in 2010 but live outside city limits. In some cases, the percentage of the population that comes in contact with the police but lives outside city limits represents a substantial volume of all motor vehicle-related contacts made in a given year.

Throughout the years, several civil rights groups in Texas have expressed their desire and made recommendations to the effect that all police departments should rely, in their data analysis, on the Fair Roads Standard. This source contains census data specific to the number of "households" that have access to vehicles. Thus, proposing to compare "households" (which may have multiple residents and only a few vehicles) with "contacts" (an individual-based count). This, in essence, constitutes a comparison that may result in ecological fallacy. Despite this, the Wylie Police Department made a decision that it would use this form of comparison (i.e., census data relevant to households with vehicles) in an attempt to demonstrate its "good will" and "transparency" before the community. Thus, the Fair Roads Standard data obtained and used in this study is specifically relevant to Wylie. Unfortunately, the data being used for comparative purposes is from the previous census as the most recent census data was not available. It is expected that the new and more recent census data will be used in future reports.

The final analysis was conducted while using the 2002--2009 traffic contact data and the 2010 motor-vehicle related data. Specifically, all traffic-related contacts made in 2009 were compared to similar figures reported in 2002, 2003, 2004, 2005, 2006, 2007 and 2008. However, these were not compared to the 2010 motor vehicle contacts as these differ in nature, from those collected in previous years. Although some researchers may not support the notion that in eight years, a "significant" and "permanent" trend can take effect, when considering this analysis, it was determined that comparing eight years of traffic contact data may highlight possible areas of consistency with regards to traffic-related contacts. That is, the eight-year comparison has the potential of revealing

indicators that a possible trend of traffic-based contacts with regards to members of a specific minority group, may in fact, develop.

Tier 1 (2010) Motor Vehicle-Related Contact Analysis

When analyzing the Tier 1 data collected in 2010, it was evident that most motor vehicle-related contacts were made with Caucasian drivers. This was followed by Hispanic and African American drivers. With respect to searches, most of them were performed on Caucasian drivers. This was also followed by Hispanics and African Americans. It is important to note that the arrest data revealed that Caucasian drivers were arrested the most in motor vehicle-related contacts; this was followed by Hispanics and African Americans. In addition, no arrests were made, in motor vehicle related incidents, of Native American drivers.

Fair Roads Standard Analysis

The data analysis of motor vehicle contacts to the census data relevant to the number of "households" in Wylie who indicated, in the 2000 census, that they had access to vehicles, produced interesting findings. Specifically, the percentage of individuals of African American, Hispanic and Asian descent that came in contact with the police was higher than the percentage of African American, Hispanic and Asian households in Wylie that claimed, in the 2000 census, to have access to vehicles. With respect to Caucasians and Native Americans, a lower percentage of contacts were detected. That is, the percentage of Caucasian and Native Americans drivers that came in contact with the police in 2010 was lower than the percentage of Caucasian and Native American households in Wylie with access to vehicles.

Eight-Year Comparison

The eight-year comparison (02-09) of traffic-contact data showed some similarities. As illustrated in table 3, the percentage of drivers (from different racial/ethnic groups) that came in contact with the Wylie Police in 2009 was similar to the percentage of drivers, from the same racial/ethnic groups that came in contact with the Wylie Police Department in 2008, 2007, 2006, 2005, 2004, 2003 and 2002. However, a few differences were noted. When comparing 2009 to the previous years, there was an increase in percentage of contacts among Caucasian drivers. A decrease in percentage was detected among Hispanics.

It is clear that commonalities in the data existed, when analyzing the search-related contacts for all eight years. An increase in percentage was detected among Caucasians while a percentage decrease was noted among African Americans and Hispanics. When considering the arrests made, the data revealed that the percentage of arrests increased among African Americans while a decrease in percentage was evident among Caucasians and Hispanics. It is expected that the 2010 contact data collected will be compared to the motor vehicle related data collected in the near future. The rationale here is that comparing traffic related data collected in previous years with motor vehicle

related data collected in 2010, would not be statistically sound as these originate from different circumstances.

Summary of Findings

The comparison of motor vehicle contacts showed that the Wylie Police Department came in contact (in motor vehicle-related incidents) with a smaller percentage of Caucasian and Native American drivers than the percentage that resided in Wylie and had access to vehicles. Further, the data suggested that the percentage of African American, Hispanic and Asian drivers that came in contact with the police in 2010 was higher than the percentage of African American, Hispanic and Asian households in Wylie with access to vehicles. In addition, the data showed that the race or ethnicity of a large number of individuals who were detained was not known to the police prior to their detention; when compared to those whose race or ethnicity was known before being detained.

A careful examination of the eight-year traffic-related contact data suggested that the Wylie Police Department has been, for the most part, consistent in the racial/ethnic composition of motorists it comes in contact with during a given year. The consistency of contacts for the past 8 years is in place despite the fact the city demographics may have changed, thus, increasing the number of subjects likely to come in contact with the police.

While considering the findings made in this analysis, it is recommended that the Wylie Police Department should continue to collect and evaluate additional information on motor vehicle contact data (i.e., reason for probable cause searches, contraband detected) which may prove to be useful when determining the nature of the contacts police officers are making with all individuals; particularly with African Americans and Hispanics. Although this additional data may not be required by state law, it is likely to provide insights regarding the nature and outcome of all motor vehicle contacts made with the public. As part of this effort, the Wylie Police Department is also encouraged to:

- 1) Perform an independent search analysis on the search data collected in the first quarter of 2011.
- 2) Commission at least one data audit in 2011 in order to assess data integrity; that is, to ensure that the data collected is consistent with the data being reported.

It should be noted that the Wylie Police Department complied with the recommendations made in last year's report. The information and analysis provided in this report serves as evidence that the Wylie Police Department has, once again, complied with the Texas Racial Profiling Law.

(III) Summary

Checklist

Checklist

The following requirements were met by the Wylie Police Department in accordance with The Texas Racial Profiling Law:

- ☒ Clearly defined act or actions that constitute racial profiling
- ☒ Statement indicating prohibition of any peace officer employed by the Wylie Police Department from engaging in racial profiling
- ☒ Implement a process by which an individual may file a complaint regarding racial profiling violations
- ☒ Provide public education related to the complaint process
- ☒ Implement disciplinary guidelines for officer found in violation of the Texas Racial Profiling Law
- ☒ Collect data (Tier 1) that includes information on
 - a) Race and ethnicity of individual detained
 - b) Whether a search was conducted
 - c) If there was a search, whether it was a consent search or a probable cause search
 - d) Whether a custody arrest took place
- ☒ Indicate total number of individuals whose race or ethnicity was known/not known before being detained.
- ☒ Produce an annual report on police contacts (Tier 1) and present this to local governing body and TCLEOSE by March 1, 2011.
- ☒ Adopt a policy, if video/audio equipment is installed, on standards for reviewing video and audio documentation

Contact Information

Contact Information

For additional questions regarding the information presented in this report, please contact:

Del Carmen Consulting, LLC

817.681.7840

www.texasracialprofiling.com

www.delcarmenconsulting.com

Disclaimer: The author of this report, Alejandro del Carmen/del Carmen Consulting, LLC, is not liable for any omissions or errors committed in the acquisition, analysis, or creation of this report. Further, Dr. del Carmen/del Carmen Consulting is not responsible for the inappropriate use and distribution of information contained in this report. Further, no liability shall be incurred as a result of any harm that may be caused to individuals and/or organizations as a result of the information contained in this report.



Wylie City Council

AGENDA REPORT

1

Meeting Date:	<u>February 8, 2011</u>	Item Number:	<u>C.</u>
Department:	<u>Finance</u>		<i>(City Secretary's Use Only)</i>
Prepared By:	<u>Linda Bantz</u>	Account Code:	<u></u>
Date Prepared:	<u>January 26, 2011</u>	Budgeted Amount:	<u></u>
		Exhibits:	<u></u>

Subject

Consider, and act upon, acceptance of the Comprehensive Annual Financial Report (CAFR) for FY 2009-2010 after presentation by the audit firm of Weaver, L.L.P on January 25, 2011.


Recommendation

Motion to accept the Comprehensive Annual Financial Report (CAFR) for FY 2009-2010 as presented by the audit firm of Weaver, L.L.P on January 25, 2011.

Discussion

The City Charter in Article VII, Municipal Finance, Section 13: Independent Audit requires that at the end of the fiscal year an independent audit be made of all accounts of the City by a certified public accountant. In compliance with the City Charter, our outside auditor, Weaver, L.L.P. has performed an audit as of September 30, 2010. This is the third year for the audit to be performed by Weaver, L.L.P. Mr. John DeBurro, Senior Audit Manager with Weaver presented the CAFR on January 25, 2011, including the Independent Auditors' Report and answered questions that the City Council had regarding the report.

Approved By

	<i>Initial</i>	<i>Date</i>
Department Director	<u>LB</u>	<u>1/26/11</u>
City Manager	<u></u>	<u>2/3/11</u>



Wylie City Council

AGENDA REPORT

Meeting Date: February 8, 2011
Department: City Secretary
Prepared By:
Date Prepared: January 25, 2011

Item Number: D
(City Secretary's Use Only)
Account Code:
Budgeted Amount:
Exhibits: Resolution, Election Calendar

Subject

Consider, and act upon, Resolution No. 2011-02(R) ordering a General Election to be held jointly with the Wylie Independent School District on May 14, 2011 for the purpose of electing the Mayor and two (2) City Council members, Places 5 and 6, to the Wylie City Council to fill expired terms.

Recommendation

A motion to approve Resolution No. 2011-02(R) ordering a General Election to be held jointly with the Wylie Independent School District on May 14, 2011 for the purpose of electing the Mayor and two (2) City Council members, Places 5 and 6, to the Wylie City Council to fill expired terms.

Discussion

The offices of the Mayor and City Council Places 5 and 6 will expire in May of 2011. By the proposed Resolution, the City Council will order a General Election to be held jointly with the Wylie Independent School District on May 14, 2011. There will be one election for the Mayor and Council Place 5 and Place 6 for the Wylie City Council positions appearing on one ballot.

This Resolution stipulates the polling places where qualified voters can cast ballots for the election. It also outlines the early voting by personal appearance locations.

Early voting by personal appearance shall be available at the Collin County Elections Office, 2010 Redbud Blvd. Suite 102, McKinney, Texas, and the new Wylie Municipal Complex (Library), 300 Country Club Road, Building 300, Wylie, Texas beginning on Monday, May 2, 2011 through Tuesday, May 10, 2011 during the normal working hours of 8:00 a.m. to 5:00 p.m. with extended voting hours on Thursday, May 5, 2011 from 8:00 a.m. to 7:00 p.m., Saturday, May 7, 2011 from 8:00 a.m. to 5:00 p.m. and May 9, 2011 and May 10, 2011 from 7:00 a.m. to 7:00 p.m.

Applications for a ballot by mail shall be requested from and mailed to the Collin County Elections Administration Office, Attn: Elections Administrator, 2010 Redbud Blvd., Suite 102, McKinney, Texas 75069. Applications for ballots by mail must be received no later than the close of business on April 30, 2011.

County wide early voting polling places for the May 14, 2011 General Election will not be available from the Collin County Elections Administrator until mid March; therefore staff will present, publish and post notice of the election in March 2011 when those polling places can be designated within the notice.

Approved By

	Initial	Date
Department Director	CE	1/25/2011
City Manager	mm	2/3/11

RESOLUTION NO. 2011-02(R)
RESOLUCION NO. 2011-02(R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WYLIE, COLLIN, DALLAS AND ROCKWALL COUNTIES, TEXAS, ORDERING THE GENERAL ELECTION TO BE HELD JOINTLY WITH THE WYLIE INDEPENDENT SCHOOL DISTRICT AND ADMINISTERED BY THE COLLIN COUNTY ELECTIONS ADMINISTRATOR ON MAY 14, 2011, FOR THE PURPOSE OF ELECTING THE POSITIONS OF MAYOR AND TWO (2) MEMBERS, (PLACE 5 AND PLACE 6), TO THE WYLIE CITY COUNCIL, TO HOLD OFFICE FOR A PERIOD OF THREE (3) YEARS; DESIGNATING LOCATIONS OF POLLING PLACES; DESIGNATING FILING DEADLINES; ORDERING NOTICES OF ELECTION TO BE GIVEN AS PRESCRIBED BY LAW IN CONNECTION WITH SUCH ELECTION.

UNA RESOLUCION DEL CONCILIO DE LA CIUDAD DE WYLIE, CONDADOS DE DALLAS Y ROCKWALL, TEXAS, ORDENANDO LA ELECCION GENERAL QUE SE LLEVARA ACABO COLECTIVAMENTE CON EL DISTRITO ESCOLAR INDEPENDIENTE DE WYLIE Y ADMINISTRADA POR EL ADMINISTRADOR DE ELECCIONES DEL CONDADO DE COLLIN EL DIA 14 DE MAYO, 2011, CON EL PROPOSITO DE ELEJIR LA POSICION DE ALCALDE Y DOS (2) MIEMBROS, (LUGAR 5 Y LUGAR 6), PARA EL CONCILIO DE LA CIUDAD DE WYLIE PARA MANTENER EL PUESTO POR UN PERIODO DE TRES AÑOS; DESIGNAR LOCALES PARA LOS CENTROS ELECTORALES; DESIGNAR FECHA DE TERMINACION PARA REGISTRACION; ORDENAR QUE SE DEN NOTIFICACIONES DE ELECCION COMO PRESCRITO POR LA LEY EN CONEXION CON TAL ELECCION.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WYLIE, TEXAS, THAT:

AHORA, POR LO TANTO, SEA RESUELTO POR EL CONCILIO DE LA CIUDAD DE WYLIE, TEXAS, QUE:

SECTION 1: An election is hereby ordered to be held jointly with the Wylie Independent School District on Saturday, May 14, 2011, for the purpose of electing the Mayor and two (2) City Council members to fill the following expiring terms on the Wylie City Council; Place 5 and Place 6.

SECCION 1: Una eleccion es por el presente ordenada que se llevara acabo colectivamente con el Distrito Escolar Independiente de Wylie el sabado, 14 de Mayo, 2011, con el proposito de elejir al Alcalde y dos (2) miembros del Concilio para el Lugar 5 y el Lugar 6 del Concilio de la Ciudad de Wylie; cual su termino ha expirado.

SECTION 2: The Election Day polling places where qualified voters shall cast ballots at such locations in the City of Wylie, 2011 General Municipal Election are as follows:

SECCION 2: *Los locales de los centros electorales donde los votantes calificados votaran el dia de la eleccion de la Eleccion Municipal General del 2011 de la Ciudad de Wylie, son los siguientes:*

County Election Precincts-
Precinct 153 & 159 (Collin Co.)

Polling Place
Southfork Mobile Home Park
216 Southfork Blvd.
Wylie, Texas

Precincts 27, 33, 41, 56, 83, 133, 170 & 174
(Collin Co.)

Wylie Bible Church
109 W. Jefferson

Precincts 1A (Rockwall Co.)

Wylie, Texas

Precinct 2601 (Dallas Co.)

Election polls shall be open from 7:00 a.m. until 7:00 p.m. on the date of the election.

Los Centros electorales estaran abiertos de las 7:00 a.m. a las 7:00 p.m. el dia de la eleccion.

SECTION 3: Early voting by personal appearance shall be available at the Collin County Elections Office, 2010 Redbud Blvd. Suite 102, McKinney, Texas, and Wylie Municipal Complex (Library), 300 Country Club Road, Building 300, Wylie, Texas, voters may vote at any of the additional Early Voting locations open under full contract services with the Collin County Elections Administration. Early voting will begin on Monday, May 2, 2011 through Tuesday, May 10, 2011 during the normal working hours of 8:00 a.m. to 5:00 p.m. with extended voting hours on Thursday, May 5, 2011 from 8:00 a.m. to 7:00 p.m., Saturday, May 7, 2011 from 8:00 a.m. to 5:00 p.m. and May 9, 2011 and May 10, 2011 from 7:00 AM to 7:00 PM. Applications for ballot by mail shall be requested from and mailed to the Collin County Elections Administration Office, Attn: Elections Administrator, 2010 Redbud Blvd., Suite 102, McKinney, Texas 75069. Applications for ballots by mail must be received no later than the close of business on May 6, 2011.

SECCION 3: *Votacion temprana por apariciencia personal sera disponible en la Oficina de Elecciones del Condado de Collin, 2010 Redbud Blvd. Suite 102, McKinney, Texas; el Centro Municipal de la Ciudad de Wylie (Biblioteca), 300 Country Club Road, Edificio 300, Wylie, Texas. Votantes de Wylie pueden votar en cualquiera de los locales adicionales de Votacion Temprana que estan abiertos bajo servicios de contrato completo con la Administracion de Elecciones del Condado de Collin. Votacion temprana empieza el lunes, 2 de mayo, 2011 hasta el martes, 10 de mayo, 2011, durante las horas de trabajo normales de 8:00 a.m. a 5:00 p.m. con horas prolongadas el jueves, 5 de mayo, 2011, de 8:00 a.m. a 7:00 p.m., el sabado, 7 de mayo, 2011 de 8:00 a.m. a 5:00 p.m. y el 9 y 10 de mayo, 2011 de 7:00 a.m. a 7:00 p.m. Las solicitudes para boletos de votacion por correo deben ser pedidas y enviadas por correo a Collin County Elections Administration Office, Attn: Elections Administrator, 2010 Redbud Blvd., Suite 102, McKinney, Texas 75069. Solicitudes para boletos de votacion por correo deben ser recibidas a no mas tardar para el cierre del dia de negocio el 6 de mayo, 2011.*

SECTION 4: Candidates must file for a specific place and adhere to the filing deadlines accordingly. Candidate Packets are available in the City Secretary's Office. The candidate filing periods for the General Election for the Mayor and Council Seats, Place 5 and Place 6 are as follows:

***SECCION 4:** Candidatos deben registrarse para un lugar específico y adherir consiguientemente a la fecha final de registracion. Paquetes para candidato estan disponibles en la Oficina de la Secretaria de la Ciudad. Los periodos para registracion del candidato para la Eleccion General para el Alcalde y los Lugares del Concilio 5 y 6 son los siguientes:*

General Election Filing for Mayor and Council Seats Places 5 and 6
Registracion para la Eleccion General de los Lugares de Concilios 5 y 6

Beginning: February 12, 2011 at 8:00 a.m.

Ending: March 14, 2011 at 5:00 p.m.

Empezando: 12 de febrero, 2011 at las 8:00 a.m.

Terminando: 14 de marzo, 2011 a las 5:00 p.m.

Candidates must file in the City Secretary's Office located at 300 Country Club Road, Building 100, Wylie, Texas 75098.

Candidatos deben archivar sus paquetes en la Oficina de la Secretaria de la Ciudad localizada en 300 Country Club Road, Edificio 100, Wylie, Texas 75098.

SECTION 5: Direct Record Electronic (DRE) voting machines shall be used in this election for early voting by personal appearance and Election Day voting. Optical-scan ballots shall be used for early voting by mail.

***SECTION 5:** Maquinas electronicas de registracion directa para votacion seran utilizadas en esta eleccion para votacion temprana en persona y para votacion el dia de la eleccion. Boletos de escaner optico seran utilizados para votacion temprana por correo.*

SECTION 6: The City Secretary is hereby authorized and directed to publish and/or post, in the time and manner prescribed by law, all notices required to be so published and/or posted in connection with the conduct of this election. The Collin County Election contract shall designate the election judges for the joint election. The election, including providing notice of the election, shall be conducted in accordance with the Texas Election Code and other applicable law, and all resident qualified and registered voters of the City shall be eligible to vote at the election.

***SECTION 6:** La Secretaria de la Ciudad esta por el presente autorizada y dirigida a publicar y/o anunciar la hora y manera como prescrito por la ley, todas las notificaciones requeridas que sean publicadas y/o anunciadas en conexion con la conducta de esta eleccion. El contrato de la Eleccion del Condado de Collin debe designar los jueces para la eleccion colectiva. La eleccion, incluyendo dar aviso de la eleccion, deben ser conducidas de acuerdo con elCodigo de Eleccion de Texas y otras leyes aplicables, y todo residente calificado y registrado votante de la Ciudad debe ser elegible para votar en la eleccion.*

SECTION 7: The Mayor and the City Secretary of the City, in consultation with the City Attorney, are hereby authorized and directed to take any and all actions necessary to comply with the provisions of the Texas Election Code and any other state or federal law in carrying out and conducting the election, whether or not expressly authorized herein.

***SECTION 7:** El Alcalde y la Secretaria de la Ciudad, en consulta con el abogado de la Ciudad, por el presente estan autorizados y dirigidos de tomar cualquier y toda accion necesaria para estar en conformidad con las provisiones delCodigo de Eleccion de Texas y cualquier otra ley del estado o federal para llevar acabo y conducir la eleccion, aunque sea o no sea expresamente autorizado en esto.*

DULY PASSED AND APPROVED by the City Council of the City of Wylie, Collin, Dallas and Rockwall Counties, Texas, on this the 8th day of February, 2011.

***DEBIDAMENTE PASADO Y APROBADO** por el Concilio de la Ciudad de Wylie, Condados de Collin, Dallas y Rockwall, Texas, este dia 8 de Febrero, 2011.*

Eric Hogue, Mayor

ATTEST:

Carole Ehrlich, City Secretary

TEXAS MUNICIPAL CLERKS CERTIFICATION PROGRAM



Election Calendar For a City's General Election on May 14, 2011

This calendar indicates the dates for actions necessary in a general election of city officers to be held on May 14, 2011. It includes all major actions for which the Election Code prescribes a specific date or deadline for performance, but it does not include all actions (e.g., preparation of ballot boxes and other election equipment and of sets of precinct election forms) for which the beginning date for performance can vary from one city to another depending on local factors. Each city secretary should use the chart in M §9.02 of the *Texas Municipal Election Law Manual* in conjunction with this calendar to fill in those dates on the city secretary's personal election calendar created in accordance with local conditions [see M §9.03]. The city secretary's personal calendar should also reflect dates that the city secretary prefers in place of the discretionary dates recommended in this calendar.

Column 5 indicates the time interval between the date of the action and election day. For example, the notation "53rd" in the entry for March 22 means that the last day for a candidate to withdraw is the 53rd day before election day; the notation "+5" in the entry for May 19 means that the last day for receiving a ballot from outside the United States is the 5th day after election day.

When there is a statutory provision prescribing the last day for the performance of an act, the number in Column 5 reflects that day. If the statutory day must be moved because of a Saturday, Sunday, or state or national holiday, the resulting date is designated in Columns 1 and 2 and Column 5 indicates, in parentheses and italics, the actual number of days measured from election day.

In preparing a personal calendar, the city secretary should remember the rule in EC §1.006 that if the last day for performance of an action falls on a Saturday, Sunday, or a state or national holiday, the deadline date is usually extended to the next regular business day whether the day is a city holiday or not [see M §2.16(a)]. When a deadline is extended for this reason, the extended date is used for determining other dates that are calculated in relation to the event of the extended date. Exceptions are noted in this calendar.

Major steps are in ALL CAPS. Steps for early voting are in *ITALICS*.

Date	Action	By or With Whom Taken	Manual Ref. §	Column 5
Jan 10	Obtain a supply of the following forms: candidate's application for place on ballot; appointment of campaign treasurer (candidate and specific-purpose committee); report of contributions and expenditures (candidate-officeholder and specific-purpose committee); application for mail ballot, and a set of administrative forms if ordered from a supply house. (Set up schedule for ordering precinct sets and other forms if they are to be ordered later.)	City Secretary	7.11 et seq. 18.10	*124 th

*An asterisk in Column 5 indicates the time stated is not required by statute.

Date	Action	By or With Whom Taken	Manual Ref. §	Column 5
Feb 14	LAST DAY for small city in small county to provide secretary of state notice of intent to use exception to accessibility requirements or show undue burden, if required. 90 th day is on Sun. This action is extended to Mon, Feb 14 (89 th day).	City Secretary	7.07(d),(e), (f)	90 th (89 th)
Feb 15	Recommended LAST DAY FOR ORDER DESIGNATING ELECTION PRECINCTS AND POLLING PLACES. (Preclearance may be needed.)	City Council	3.07	*88 th
Feb 28	Recommended beginning date for preliminary work on appointment of election judges.	City Secretary	4.08	*75 th
Mar 5	LAST DAY to order a SPECIAL ELECTION to fill a vacancy so that the filing deadline will coincide with the filing deadline for the general election (61 st day before election day). This date remains on Sat because it is not the last day to order a special election.	City Council City Secretary	13.06	70 th
Mar 11	Recommended last day to POST 72 HOUR NOTICE OF DRAWING for order of names on ballot.	City Secretary	8.06	*64 th
Mar 12	Remove candidate's name from ballot if the candidate dies on or before Mar 12 (2 nd day before filing deadline). This date occurs on the 63 rd day rather than the 64 th day because the deadline for filing is extended to the 61 st day.	City Secretary	11.25	64 th (63 rd)
Mar 14	STATUTORY LAST DAY FOR ORDERING ELECTION. ⁽²⁾ 62 nd day is on Sunday, Mar 13. This action is extended to Mar 14 (61 st day).	Mayor ⁽¹⁾	10.03	62 nd (61 st)
Mar 14	LAST DAY FOR FILING APPLICATION FOR PLACE ON BALLOT (must be received by 5 p.m.). City Secretary's office should stay open until 5 p.m. 62 nd day is on Sunday, Mar 13. This action is extended to Mar 14 (61 st day). [In a city office having a 4-year term, if no candidate files, this deadline is extended to 5:00 p.m., Mar 18 (57 th day).]	City Secretary	11.05 11.06	62 nd (61 st)

*An asterisk in Column 5 indicates the time stated is not required by statute.

Date	Action	By or With Whom Taken	Manual Ref. §	Column 5
Mar 21-Apr 1	Recommended period for APPOINTING ELECTION JUDGES. ⁽²⁾ (Schedule for first council meeting after period if no meeting during period.) See M §10.15 on giving notice to election judges.	City Council ⁽¹⁾	4.03 4.04 4.05	*54 th thru *43 rd
Mar 22	LAST DAY for candidate to withdraw (withdrawal request must be received by 5 p.m.). LAST DAY that a declaration of ineligibility causes omission of candidate's name from ballot. City secretary's office should stay open until 5 p.m.	City Secretary	8.05 11.22 11.23 11.24	53 rd
Mar 24	RECOMMENDED DATE TO PRINT BALLOTS which have been prepared earlier.	City Secretary	8.16	*51 st
Mar 25	Beginning date of period for mandatory office hours.	City Secretary	2.15	50 th
Mar 30	<i>FIRST DAY TO MAIL EARLY BALLOTS, IF AVAILABLE. Note the roster of persons mailed ballots is not available to the public until the first business day after election day [See M §16.56(g)].</i>	City Secretary	16.57	45 th
Apr 6	Last day to mail balloting materials for early voting by mail, to persons who applied 8 days or more before the 45 th day.	City Secretary	16.57	38 th
Apr 8	Last day to order a special election to fill a vacancy so that the filing deadline is Apr 13.	City Council	13.06(a)	36 th
Apr 13	If a SPECIAL ELECTION to fill a vacancy is held in conjunction with the general election, under most circumstances (election ordered after 70 th day and not later than 36 th day), this is the LAST DAY FOR FILING AN APPLICATION for a place on the ballot in the SPECIAL ELECTION .	City Secretary	13.06	31 st
Apr 14	Due date for filing first report of campaign contributions and expenditures by opposed candidates and specific-purpose committees supporting or opposing opposed candidates by 5 p.m. or midnight if filed electronically. City secretary's office should stay open until 5 p.m.	City Secretary	18.06	30 th

*An asterisk in Column 5 indicates the time stated is not required by statute.

Date	Action	By or With Whom Taken	Manual Ref. §	Column 5
Apr 24	<i>First day a signature verification committee may begin work.</i>	City Secretary	16.72	20 th
Apr 24	<i>First day jail authority can deliver ballots in person.</i>	City Secretary	16.51(a)	20 th
Apr 25	Last day for unregistered applicant to submit a federal postcard application. (The 20 th day before the election is Sun, Apr 24. The deadline is extended so that if the application is placed in the mail by Mon, Apr 25, it is timely.)	City Secretary	17.02(a) & (d)	20 th (19 th)
Apr 26	<i>Last day for publication of notice of the test of automatic tabulating equipment to be used in early voting if the test is on Apr 29. (48 hours before <u>date</u> of test.)</i>	City Secretary	7.40	18 th
Apr 27	<i>Last day to begin posting continuous notice of schedule for branch early voting polling places.</i>	City Secretary	16.22(k)	17 th
Apr 29	<i>Last day to receive application from voter in person for a ballot to be voted by mail (by close of business). This is the last business day before the beginning of early voting by personal appearance.</i>	City Secretary	16.51(c)	15 th
Apr 29	<i>Last day for conducting first test of automatic tabulating equipment to be used for early voting (at least 48 hours before it is used).</i>	City Secretary	7.40(c) & (d)	15 th
Apr 29	STATUTORY DEADLINE FOR NOTIFYING JUDGES OF DUTY TO HOLD THE ELECTION.	Mayor	10.15(a)	15 th
Apr 29	Last day to challenge write-in candidate for compliance.	City Secretary	11.10(i)	15 th
Apr 30	Last day candidate may withdraw and have name removed from ballot if the filing deadline was later than the 61 st day before election day. This deadline applies to SPECIAL ELECTIONS and remains on Sat.	City Secretary	11.22	14 th

*An asterisk in Column 5 indicates the time stated is not required by statute.

Date	Action	By or With Whom Taken	Manual Ref. §	Column 5
May 10	<i>LAST DAY OF REGULAR EARLY VOTING BY PERSONAL APPEARANCE.</i>	City Secretary	16.21(c)	4 th
May 10-14	<i>As soon as early voting is over, and until 7:00 p.m. May 14, early voting materials may be delivered to the early voting ballot board if notice requirements have been followed. The board may process the materials but may not count the ballots until polls open on election day, unless the election is held jointly with a county with population of 100,000 or more, in which case, ballots may be counted.</i>	City Secretary	16.74(a) & (c)	4 th thru close of polls
May 11	<i>Last day to receive an application to cancel mail ballot.</i>	City Secretary	16.59(a)	3 rd
May 11	<i>Last day for conducting first test of automatic tabulating equipment to be used at a <u>polling place</u> (at least 48 hours before used for counting on election day). To assure 48 hours before 7 a.m. of election day, test must be by 3rd day. Notice must be published at least 48 hours before <u>date</u> of test.</i>	City Secretary	7.40(c) & (d)	3 rd
May 11-13	<i>Period to apply for late (emergency) early voting because of death in family May 9 or later.</i>	City Secretary	17.33	3 rd thru 1 st
May 11-13	<i>Prepare list of registered voters for early voting ballot board if more than one early voting polling place.</i>	City Secretary	16.76	*3 rd thru 1 st
May 11-14	<i>Period to apply for late (emergency) early voting because of illness or disability originating on or after May 5.</i>	City Secretary	17.17	3 rd thru Election Day, 5 p.m.
May 12	<i>Last day for first test of automatic tabulating equipment to be used at a <u>central counting station</u>. Notice must be published at least 48 hours before date of test.</i>	Presiding Judge	7.40(b)	2 nd
May 13	<i>Last day to deliver precinct early voting lists to presiding judges and recommended date for delivery of supplies to presiding judges.</i>	City Secretary	7.47 16.83(j)	1 st

*An asterisk in Column 5 indicates the time stated is not required by statute.

Date	Action	By or With Whom Taken	Manual Ref. §	Column 5
May 16	<i>Last day to deliver provisional ballots to Voter Registrar of each county in which city is located.</i>	City Secretary	9.41	+ 2
May 17	Provide Official STATEMENT OF ELECTED OFFICER NOT APPOINTED BY THE GOVERNOR and OATH OF OFFICE to candidates who appear to have won, or may win. These are now Secretary of State Forms 2201 and 2204.	City Secretary	12.32(d)	* + 3
May 17-19	<i>Period during which early voting ballot board may meet to count ballots received from outside the United States if the early voting clerk certifies that all ballots mailed from outside the United States have been received.</i>	Early Voting Ballot Board	16.74(e)	+ 3 thru + 5
May 17-25	PERIOD FOR OFFICIAL CANVASS. Mayor sets exact day and hour. City secretary records results in election register as soon as practicable after canvass. [Canvass may occur before 11 th day only if all FPCA ballots have been received and the ballot board has completed the count of provisional ballots.]	City Council/ City Secretary	9.42(b) 9.44	+ 3 thru + 11
May 17-25	<i>Completion before canvass of report of early votes cast for each candidate or measure, by election precinct.</i>	City Secretary	16.87	+ 3 thru + 11
May 17-25	AFTER CANVASS, ISSUE CERTIFICATE OF ELECTION.	Mayor	12.23	+3 thru +11
May 17- Jun 6	Partial manual count of electronically counted ballots if waiver not obtained from secretary of state, must begin not later than 72 hours after polls close and be completed by the 21 st day. +21 st day is Sat. Move the date to Mon, Jun 6 (+23 rd day).	City Secretary	9.45	+3 thru +21 (+23)
May 18	Last day for voter registrar to complete review of provisional ballots and for early voting clerk to retrieve provisional ballots.	City Secretary	9.41(c)	+4 (3 rd Business day after election)
May 19	<i>Last day for receiving a ballot from outside the United States.</i>	City Secretary	16.58(b)	+5

*An asterisk in Column 5 indicates the time stated is not required by statute.

Date	Action	By or With Whom Taken	Manual Ref. §	Column §
Jun 13	Last day to transmit election results by city precinct in electronic form to secretary of state.	Mayor (Presiding Officer of the Canvassing Committee)	9.44	+30
Jun 23	LAST DAY OF MANDATORY OFFICE HOURS.	City Secretary	2.15	+40
July 14	First day for transfer of voted ballots from the locked ballot box to another secure container.	City Secretary	9.50	+61
July 15	Last day for timely filing of semiannual report of contributions and expenditures.	City Secretary	18.05	July 15
Mar 14, 2013	Last day of preservation period for ballots and other precinct election records of main election.	City Secretary	9.50(g)	+ 22 months

Endnotes

- [1] Follow home-rule city's charter provision, if any.
- [2] The city's governing body may choose to conduct a mock student election under EC §276.007. The major steps taken for a general election should be taken for a student election. The student election may be held on the first day before the election, but results must not be published until after the polls close on election day.

NOTE ON CALENDAR FOR SPECIAL OR RUNOFF ELECTION

To prepare a calendar for a special election to fill a vacancy in office, see M §13.02; for a special election on a measure, see M §15.02; for a runoff election, see M §14.03.

NOTE ON CONTEXT

When reading a section of the Election Code, remember to read the chapter and subchapter titles to determine if the section you are reading applies to cities.

*An asterisk in Column 5 indicates the time stated is not required by statute.



Wylie City Council

AGENDA REPORT

Meeting Date:	<u>February 8, 2011</u>	Item Number:	<u>E</u> <i>(City Secretary's Use Only)</i>
Department:	<u>City Secretary</u>	Account Code:	<u>100-5113-56070</u>
Prepared By:	<u>C. Ehrlich</u>	Budgeted Amount:	<u>\$9,200.00</u> CCEA Contract/Cost
Date Prepared:	<u>January 25, 2011</u>	Exhibits:	<u>Estimates</u>

Subject

Consider, and act upon, a Joint Election Contract between the City of Wylie and Wylie Independent School District (WISD) to be administered by the Collin County Elections Administrator for the May 14, 2011 Wylie General Election.

Recommendation

Motion to approve a Joint Election Contract between the City of Wylie and Wylie Independent School District (WISD); to be administered by the Collin County Elections Administrator for the May 14, 2011 Wylie General Election.

Discussion

By the terms of this agreement, the City of Wylie, and WISD do hereby agree, pursuant to the provisions of the Texas Election Code, to hold a joint election for the General Election to be held on Saturday May 14, 2011. The entities will contract with the Collin County Elections Administrator to perform various duties and responsibilities on behalf of the entities. The contract presented has specified duties and costs to administer the election. This agreement, once executed will formalize the joint election for May 14, 2011 between the parties and approve the equally shared cost for the General Election. Under the terms of the contract, it is noted that if one entity cancels their election a charge of \$75.00 will be accessed and the other entity will assume the full cost for the election.

Article 2, Section 1 (c) of the Home Rule Charter allows the Council to cooperate with the government of any County for any lawful purpose for the advancement of the interests of its inhabitants.

Collin County Elections Administrator will hold the election for residents residing in the City of Wylie in Collin, Rockwall and Dallas counties.

Approved By

Department Director
City Manager

Initial
CE

Date

01-25-11

2/3/11

May 14, 2011
Joint General Election
Contract for Election Services
City of Wylie/Wylie ISD

May 14, 2011 Joint General Election

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**THE STATE OF TEXAS
COUNTY OF COLLIN
CITY – SCHOOL WYLIE**

§

**CONTRACT FOR
ELECTION SERVICES**

BY THE TERMS OF THIS CONTRACT made and entered into by and between the CITY OF WYLIE, hereinafter referred to as the "CITY," and the BOARD OF TRUSTEES OF THE WYLIE INDEPENDENT SCHOOL DISTRICT, hereinafter referred to as the "SCHOOL DISTRICT," and SHARON ROWE, Elections Administrator of Collin County, Texas, hereinafter referred to as "Contracting Officer," pursuant to the authority in Subchapter D, Section 31.092, of Chapter 31, of the Texas Election Code, agree to the following particulars in regard to coordination, supervision and running of the City and School District's May 14, 2011 Joint General Election and a City Runoff Election, if necessary, on June 18, 2011. An additional cost estimate, early voting calendar, and Election Day polling place schedule will be prepared should a Runoff Election be necessary.

THIS AGREEMENT is entered into in consideration of the mutual covenants and promises hereinafter set out. IT IS AGREED AS FOLLOWS:

I. DUTIES AND SERVICES OF CONTRACTING OFFICER. The Contracting Officer shall be responsible for performing the following duties and shall furnish the following services and equipment:

A. The Contracting Officer shall arrange for appointment, notification (including writ of election), training and compensation of all presiding judges, alternate judges, the judge of the Central Counting Station and judge of the Early Voting Ballot Board.

a. The Contracting Officer shall be responsible for notification of each Election Day and Early Voting presiding judge and alternate judge of his or her appointment. The recommendations of the City and the School District will be the accepted guidelines for the number of clerks secured to work in each polling place. The presiding election judge of each polling place, however, will use his/her discretion to determine when additional manpower is needed during peak voting hours. The Contracting Officer

will determine the number of clerks to work in the Central Counting Station and the number of clerks to work on the ballot board.

Election judges shall be secured by the Contracting Officer with the approval of the City and the School District.

b. Election judges shall attend the Contracting Officer's school of instruction (Elections Seminar) to be held Wednesday, May 11, 2011, at the Collin County 380 Courts Bldg., Central Jury Room, 1800 N. Graves St., McKinney, TX at 2:00 PM.

c. Election judges shall be responsible for picking up from and returning election supplies to the county election warehouse located at 2010 Redbud Blvd., Suite 102, McKinney. Compensation for this pickup and delivery of supplies will be \$25.00.

d. The Contracting Officer shall compensate each election judge and worker. Each judge shall receive \$12.00 per hour for services rendered. Each alternate judge and clerk shall receive \$10.00 per hour for services rendered. Overtime will be paid to each person working over 40 hours per week.

B. The Contracting Officer shall procure, prepare, and distribute voting machines, election kits and election supplies.

a. The Contracting Officer shall secure election kits which include the legal documentation required to hold an election and all supplies including locks, pens, magic markers, etc.

b. The Contracting Officer shall secure all tables, chairs, and legal documentation required to run the Central Counting Station.

c. The Contracting Officer shall provide all lists of registered voters required for use on Election Day and for the early voting period required by law. The Election Day list of registered voters shall be arranged in

alphabetical order by polling place, in lieu of alphabetic by each precinct in each polling place.

d. The Contracting Officer shall procure and arrange for the distribution of all election equipment and supplies required to hold an election.

1. Equipment includes the rental of voting machines, ADA compliance headphones and keypads (1 per site), transfer cases, voting signs and tote boxes.

2. Supplies include smart cards, sample ballots, early voting mail ballots, pens, tape, markers, etc.

C. The Contracting Officer, Sharon Rowe, shall be appointed the Early Voting Clerk by the City and the School District.

a. The Contracting Officer shall supervise and conduct Early Voting by mail and in person and shall secure personnel to serve as Early Voting Deputies.

b. Early Voting by personal appearance for the City and School District's May 14, 2011, Joint General Election shall be conducted during the time period and at the locations listed in Exhibit "A", attached and incorporated by reference into this contract.

c. All applications for an Early Voting mail ballot shall be received and processed by the Collin County Elections Administration Office, 2010 Redbud Blvd., Suite 102, McKinney, Texas 75069.

1. Application for mail ballots erroneously mailed to the City or School District shall immediately be faxed to the Contracting Officer for timely processing. The original application shall then be forwarded to the Contracting Officer for proper retention.

2. All Federal Post Card Applicants (FPCA) will be sent a mail ballot. No postage is required.

d. All Early Voting ballots (those cast by mail and those cast by personal appearance) shall be prepared for count by the Early Voting Ballot Board in accordance with Section 87.000 of the Texas Election Code. The presiding judge of this Board shall be appointed by the Contracting Officer.

D. The Contracting Officer shall arrange for the use of all Election Day polling places. The City and School District shall assume the responsibility of remitting the cost of all employee services required to provide access, provide security or provide custodial services for the polling locations. The Election Day polling locations are listed in Exhibit "B", attached and incorporated by reference into this contract.

E. The Contracting Officer shall be responsible for establishing and operating the Central Counting Station to receive and tabulate the voted ballots in accordance with Section 127.001 of the Election Code and of this agreement. Counting Station Manager and Central Count Judge shall be Sharon Rowe. The Tabulation Supervisor shall be Patty Seals.

a. The tabulation supervisor shall prepare, test and run the county's tabulation system in accordance with statutory requirements and county policies, under the auspices of the Contracting Officer.

b. The Public Logic and Accuracy Test of the electronic voting system shall be conducted.

c. Election night reports will be available to the City and School District at the Central Counting Station on election night. Provisional ballots will be tabulated after election night in accordance with law.

d. The Contracting Officer shall prepare the unofficial canvass report after all precincts have been counted, and will provide a copy of the unofficial canvass to the City and School District as soon as possible after all returns have been tallied.

e. The Contracting Officer shall be appointed the custodian of the voted ballots and shall retain all election material for a period of 22 months.

1. Pending no litigation and as prescribed by law, the voted ballots shall be shredded 22 months after the election.

2. The City and School District can obtain the list of registered voters from the Elections Administration Office after this retention period. Pending no litigation and if the City or School District does not request the lists, the Contracting Officer shall destroy them.

f. The Contracting Officer shall conduct a manual count as prescribed by Section 127.201 of the Texas Election Code and submit a written report to the City and School District in a timely manner. The Secretary of State may waive this requirement. If applicable, a written report shall be submitted to the Secretary of State as required by Section 127.201(E) of the aforementioned code.

F. The Contracting Officer is in compliance with HB 2524.

II. DUTIES AND SERVICES OF THE CITY AND SCHOOL DISTRICT. The City and School District shall assume the following responsibilities:

A. The City and School District shall prepare the election orders, resolutions, notices, justice department submissions, official canvass and other pertinent documents for adoption by the appropriate office or body. The City and School District assumes the responsibility of posting all notices and likewise promoting the schedules for Early Voting and Election Day.

B. The City and School District shall provide the Contracting Officer with an updated map and street index of their jurisdiction in an electronic or printed format as soon as possible but no later than Friday, March 25, 2011.

C. The City and School District shall procure and provide the Contracting Officer with the ballot layout and Spanish interpretation in an electronic format.

a. The City and School District shall deliver to the Contracting Officer as soon as possible, but no later than 9:00 AM Wednesday, March 16, 2011, the official wording for the City and School District's May 14, 2011, Joint General Election. Confirmation of declared write-in candidates shall be submitted to the Contracting Officer no later than Monday, March 21, 2011.

b. The City and School District shall approve the "blue line" ballot format prior to the final printing.

D. The City and School District shall post the publication of election notice by the proper methods with the proper media.

E. The City and School District shall prepare and submit to the U. S. Department of Justice under the Federal Voting Rights Act of 1965, any required submissions on voting changes.

F. The City and School District shall compensate the Contracting Officer for any additional verified cost incurred in the process of running this election or for a manual count this election may require, consistent with charges and hourly rates shown on Exhibit "C" for required services.

G. The City and School District shall pay the Contracting Officer 90% of the estimated cost to run the said election prior to Friday, April 8, 2011. The Contracting Officer shall place the funds in a "contract fund" as prescribed by Section 31.100 of the Texas Election Code. The Deposit should be delivered within the mandatory time frame to:

**Collin County Treasury
Attn: Pam Dugger
2300 Bloomdale Rd. #3138
McKinney, Texas 75071**

Made payable to: "Collin County Treasury" with the note "for election services" included with check documentation.

H. The City and School District shall pay the cost of conducting said election, less partial payment, including the 10% administrative fee, pursuant to the Texas Election Code, Section 31.100, within 30 days from the date of final billing.

III. COST OF SERVICES. See Exhibit "C."

IV. GENERAL PROVISIONS.

A. Nothing contained in this contract shall authorize or permit a change in the officer with whom or the place at which any document or record relating to the City and School District's May 14, 2011, Joint General Election is to be filed or the place at which any function is to be carried out, or any nontransferable functions specified under Section 31.096 of the Texas Election Code.

B. Upon request, the Contracting Officer will provide copies of all invoices and other charges received in the process of running said election for the City and School District.

C. If the City and/or School District cancel their election pursuant to Section 2.053 of the Texas Election Code, the Contracting Officer shall be paid a contract preparation fee of \$75. An entity canceling an election will not be liable for any further costs incurred by the Contracting Officer in conducting the May 14, 2011, Joint General Election. All actual shared cost incurred in the conduct of the election will be divided by the actual number of entities contracting with the Contracting Officer **and** holding a May 14, 2011, Joint General Election.

D. The Contracting Officer shall file copies of this contract with the County Judge and the County Auditor of Collin County, Texas.

WITNESS BY MY HAND THIS THE ____ DAY OF _____ 2011.

Sharon Rowe
Elections Administrator
Collin County, Texas

WITNESS BY MY HAND THIS THE 8th DAY OF FEBRUARY, 2011.

By: _____
Eric Hogue, Mayor
City of Wylie

Attest: _____
Carole Ehrlich, City Secretary
City of Wylie

WITNESS BY MY HAND THIS THE ____ DAY OF _____ 2011.

By: _____
Brian Miller, Assistant Superintendent
Wylie Independent School District

Attest: _____
Kathy Lipe, Administrative Assistant
Wylie Independent School District

Exhibit "A"

MAY 14, 2011, JOINT GENERAL ELECTION
City of Wylie & Wylie ISD*

Early Voting Locations and Hours

Polling Place			Address		City	
Collin County Election Office (Main Early Voting Location)			2010 Redbud Blvd., #102		McKinney	
Wylie Municipal Complex (Library)			300 Country Club Rd., Bldg. 300		Wylie	
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
<i>May 1</i>	<i>May 2</i>	<i>May 3</i>	<i>May 4</i>	<i>May 5</i>	<i>May 6</i>	<i>May 7</i>
	8am – 5pm	8am – 5pm	8am – 5pm	8am - 7pm	8am - 5pm	8am - 5pm
<i>May 8</i>	<i>May 9</i>	<i>May 10</i>	<i>May 11</i>	<i>May 12</i>	<i>May 13</i>	<i>May 14</i>
	7am – 7pm	7am – 7pm				7am – 7pm Election Day

* City and School District voters may vote at any of the additional Early Voting locations open under full contract services with the Collin County Elections Administration.

Exhibit "B"

**MAY 14, 2011
JOINT GENERAL ELECTION**

Election Day Polling Locations – City of Wylie & WISD

Precincts	Location	Address	City
153, 159	Southfork Mobile Home Community Clubhouse	216 Southfork Blvd.	Wylie
27, 33, 41, 56, 83, 133, 170, 174 1A (Rockwall County) 2601 (Dallas County)	Wylie Bible Church	109 W. Jefferson St.	Wylie

ESTIMATED COSTS FOR THE CITY OF WYLIE

May 14, 2011
Exhibit "C"

SUPPLY COST

	1	2	Units	Cost Wylie City	Units	Cost Wylie/WISD
Number of Early Voting Locations						
Number of Election Day Locations						
Sample Ballots	\$0.0690 each		1250	\$86.25	2000	\$138.00
Early Voting Mail Ballots	\$1.20 each		10	\$12.00	75	\$90.00
Precinct Ballot Setup	\$10.00 each		1	\$10.00	1	\$10.00
Precinct Ballots	\$0.1670 each		150	\$25.05	300	\$50.10
Early voting and election day kits	\$25.00 each		0	\$0.00	3	\$75.00
Central Counting kit and supplies	\$50.00 each		0	\$0.00	1	\$50.00
County Precinct Maps	\$12.00 each		0	\$0.00	3	\$36.00
Printer Labels	\$15.13 each		0	\$0.00	5	\$75.65
Total				\$133.30		\$524.75
Number of Entities Sharing Costs				1	2	
SubTotal				\$133.30		\$262.38
Grand Total						\$395.68

EQUIPMENT RENTAL COST

	1	2	Units	Cost Wylie City	Units	Cost Wylie/WISD
Number of Early Voting Locations						
Number of Election Day Locations						
Voting Machines	\$150.00 each		0	\$0.00	14	\$2,100.00
Machine Drayage/L&A/Gas	\$40.74 each		0	\$0.00	15	\$611.10
Transfer Cases	\$5.00 each		0	\$0.00	3	\$15.00
Metal Signs	\$1.00 each		0	\$0.00	6	\$6.00
Wood Signs	\$2.00 each		0	\$0.00	3	\$6.00
Large Early Voting Signs	\$5.00 each		0	\$0.00	1	\$5.00
Early Voting Cabinet	\$50.00 each		0	\$0.00	1	\$50.00
Tote Box	\$1.00 each		0	\$0.00	2	\$2.00
Early Voting Computer	\$300.00 each		0	\$0.00	1	\$300.00
Total				\$0.00		\$3,095.10
Number of Entities Sharing Costs				1	2	
SubTotal				\$0.00		\$1,547.55
Grand Total						\$1,547.55

EARLY VOTING

Number of Early Voting Locations 1
Workers each location 4

	Units	Cost Wylie City	Units	Cost Wylie/WISD
Mailed Ballot Kits	10	\$10.00	75	\$75.00
Postage for Ballots	2	\$1.76	10	\$8.80
Assemble EV Location	0	\$0.00	1	\$50.00
Total Judge Hours	0	\$0.00	70	\$840.00
Overtime Judge Hours	0	\$0.00	20	\$360.00
Total Alt. Judge & Clerk Hours	0	\$0.00	200	\$2,000.00
Overtime Alt. Judge & Clerk Hours	0	\$0.00	60	\$900.00
Pickup & Delivery of Supplies	0	\$0.00	1	\$25.00

Total
Number of Entities Sharing Costs 1 2
\$11.76 \$4,258.80

SubTotal
\$11.76 \$2,129.40

Grand Total \$2,141.16

ELECTION DAY

Number of Election Day Locations 2
Workers each location 4

	Units	Cost Wylie City	Units	Cost Wylie/WISD
Total Judge Hours	0	\$0.00	28	\$336.00
Total Alt. Judge & Clerk Hours	0	\$0.00	84	\$840.00
Pickup & Delivery of Supplies	0	\$0.00	2	\$50.00

Total
Number of Entities Sharing Costs 1 2
\$0.00 \$1,226.00

SubTotal
\$0.00 \$613.00

Grand Total \$613.00

ADMINISTRATIVE EXPENSES

Number of Early Voting Locations 1
Number of Election Day Locations 2

	Units	Cost Wylie City	Units	Cost Wylie/WISD
Manual Recount Deposit	1	\$60.00	0	\$0.00
Process Pollworker Checks	0	\$0.00	8	\$12.00
Process Election Judge Notices	0	\$0.00	6	\$9.00

Total
Number of Entities Sharing Costs 1 2
\$60.00 \$21.00

SubTotal
\$60.00 \$10.50

Grand Total \$70.50

TABULATION

Tabulation Network	\$4,000.00
Programming	\$2,050.00
Spanish Interpreter f/Audio Ballot	\$350.00
Notice of Inspection/Tabulation Test	\$1,750.00
Total	\$8,150.00
Number of Entities	30
Total Per Entity	\$271.67

CENTRALIZED COSTS

Early Voting Ballot Board	\$1,000.00
Cost for Central Count Workers	\$1,500.00
FICA on Election Workers	\$2,000.00
Assemble EV Location	\$50.00
Early Voting Machines in McKinney (8)	\$1,200.00
Early Voting Computer in McKinney	\$300.00
Early Voting Personnel in McKinney	\$4,100.00
Printer Labels for Early Voting in McKinney	\$75.00
Ballot Style Setup Fee & Delivery	\$400.00
County Overtime and Temporaries	\$20,000.00
FICA & Retirement for County Employees	\$2,500.00
Total	\$33,125.00
Number of Entities	22
Total Per Entity	\$1,505.68

Total for Tabulation & Centralized Costs

\$1,777.35

SUMMARY OF COSTS FOR THE CITY OF WYLIE

SUPPLY COST	\$395.68
EQUIPMENT RENTAL COST	\$1,547.55
EARLY VOTING	\$2,141.16
ELECTION DAY	\$613.00
ADMINISTRATIVE EXPENSES	\$70.50
TABULATION/CENTRALIZED COSTS	<u>\$1,777.35</u>
Total	\$6,545.24
10% Administrative Fee	<u>\$654.52</u>
Total	\$7,199.76
90% Deposit Due 4/8/11	\$6,479.79



Wylie City Council

AGENDA REPORT

Meeting Date:	<u>February 8, 2011</u>	Item Number:	<u>F.</u>
Department:	<u>Planning</u>		<u>(City Secretary's Use Only)</u>
Prepared By:	<u>Renae' Ollie</u>	Account Code:	<u></u>
Date Prepared:	<u>January 21, 2011</u>	Budgeted Amount:	<u></u>
		Exhibits:	<u>1</u>

Subject

Consider, and act upon, approval of a Replat for Zlan Corner Addition, Block A, Lot 2R, combining two commercial lots into one on 1.814 acres and dedicating fire lane and access easements. The property is generally located on the northeast corner of Country Club Road (FM 1378) and W. Brown Street (FM 3412).

Recommendation

Motion to approve a Replat for Zlan Corner Addition, Block A, Lot 2R, combining two commercial lots into one on 1.814 acres and dedicating fire lane and access easements. The property is generally located on the northeast corner of Country Club Road (FM 1378) and W. Brown Street (FM 3412).

Discussion

Platted in July 2005, Zlan Corner Addition consisted of four (4) commercial lots on nine (9) acres located at the northeast corner of Country Club Boulevard and West Brown Street.

This replat proposes to combine Lots 2 & 3 into one lot to accommodate development of retail and other commercial uses on the property. Therefore, Lot 2R will consist of 1.814 acres and provide for cross access easements on the property. A corresponding site plan was approved by the Planning and Zoning Commission on January 18, 2011 as the previous site plan expired May 2009.

The Replat complies with all applicable technical requirements of the City of Wylie.

Planning Commission voted 6-0 to recommend conditional approval of the replat.

Approved By

Department Director

City Manager

Initial

RO

Date

01/21/11

mm

2/3/11

OWNER'S CERTIFICATE

STATE OF TEXAS
COUNTY OF COLLIN
WHEREAS, WILEY, ROSE, LP, a Texas limited partnership, is the owner of a tract of land situated in the County of Collin, Texas, described as follows: **Block A, Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1139, 1140, 1141, 1142, 1143, 1144, 1145, 1146, 1147, 1148, 1149, 1150, 1151, 1152, 1153, 1154, 1155, 1156, 1157, 1158, 1159, 1160, 1161, 1162, 1163, 1164, 1165, 1166, 1167, 1168, 1169, 1170, 1171, 1172, 1173, 1174, 1175, 1176, 1177, 1178, 1179, 1180, 1181, 1182, 1183, 1184, 1185, 1186, 1187, 1188, 1189, 1190, 1191, 1192, 1193, 1194, 1195, 1196, 1197, 1198, 1199, 1200, 1201, 1202, 1203, 1204, 1205, 1206, 1207, 1208, 1209, 1210, 1211, 1212, 1213, 1214, 1215, 1216, 1217, 1218, 1219, 1220, 1221, 1222, 1223, 1224, 1225, 1226, 1227, 1228, 1229, 1230, 1231, 1232, 1233, 1234, 1235, 1236, 1237, 1238, 1239, 1240, 1241, 1242, 1243, 1244, 1245, 1246, 1247, 1248, 1249, 1250, 1251, 1252, 1253, 1254, 1255, 1256, 1257, 1258, 1259, 1260, 1261, 1262, 1263, 1264, 1265, 1266, 1267, 1268, 1269, 1270, 1271, 1272, 1273, 1274, 1275, 1276, 1277, 1278, 1279, 1280, 1281, 1282, 1283, 1284, 1285, 1286, 1287, 1288, 1289, 1290, 1291, 1292, 1293, 1294, 1295, 1296, 1297, 1298, 1299, 1300, 1301, 1302, 1303, 1304, 1305, 1306, 1307, 1308, 1309, 1310, 1311, 1312, 1313, 1314, 1315, 1316, 1317, 1318, 1319, 1320, 1321, 1322, 1323, 1324, 1325, 1326, 1327, 1328, 1329, 1330, 1331, 1332, 1333, 1334, 1335, 1336, 1337, 1338, 1339, 1340, 1341, 1342, 1343, 1344, 1345, 1346, 1347, 1348, 1349, 1350, 1351, 1352, 1353, 1354, 1355, 1356, 1357, 1358, 1359, 1360, 1361, 1362, 1363, 1364, 1365, 1366, 1367, 1368, 1369, 1370, 1371, 1372, 1373, 1374, 1375, 1376, 1377, 1378, 1379, 1380, 1381, 1382, 1383, 1384, 1385, 1386, 1387, 1388, 1389, 1390, 1391, 1392, 1393, 1394, 1395, 1396, 1397, 1398, 1399, 1400, 1401, 1402, 1403, 1404, 1405, 1406, 1407, 1408, 1409, 1410, 1411, 1412, 1413, 1414, 1415, 1416, 1417, 1418, 1419, 1420, 1421, 1422, 1423, 1424, 1425, 1426, 1427, 1428, 1429, 1430, 1431, 1432, 1433, 1434, 1435, 1436, 1437, 1438, 1439, 1440, 1441, 1442, 1443, 1444, 1445, 1446, 1447, 1448, 1449, 1450, 1451, 1452, 1453, 1454, 1455, 1456, 1457, 1458, 1459, 1460, 1461, 1462, 1463, 1464, 1465, 1466, 1467, 1468, 1469, 1470, 1471, 1472, 1473, 1474, 1475, 1476, 1477, 1478, 1479, 1480, 1481, 1482, 1483, 1484, 1485, 1486, 1487, 1488, 1489, 1490, 1491, 1492, 1493, 1494, 1495, 1496, 1497, 1498, 1499, 1500, 1501, 1502, 1503, 1504, 1505, 1506, 1507, 1508, 1509, 1510, 1511, 1512, 1513, 1514, 1515, 1516, 1517, 1518, 1519, 1520, 1521, 1522, 1523, 1524, 1525, 1526, 1527, 1528, 1529, 1530, 1531, 1532, 1533, 1534, 1535, 1536, 1537, 1538, 1539, 1540, 1541, 1542, 1543, 1544, 1545, 1546, 1547, 1548, 1549, 1550, 1551, 1552, 1553, 1554, 1555, 1556, 1557, 1558, 1559, 1560, 1561, 1562, 1563, 1564, 1565, 1566, 1567, 1568, 1569, 1570, 1571, 1572, 1573, 1574, 1575, 1576, 1577, 1578, 1579, 1580, 1581, 1582, 1583, 1584, 1585, 1586, 1587, 1588, 1589, 1590, 1591, 1592, 1593, 1594, 1595, 1596, 1597, 1598, 1599, 1600, 1601, 1602, 1603, 1604, 1605, 1606, 1607, 1608, 1609, 1610, 1611, 1612, 1613, 1614, 1615, 1616, 1617, 1618, 1619, 1620, 1621, 1622, 1623, 1624, 1625, 1626, 1627, 1628, 1629, 1630, 1631, 1632, 1633, 1634, 1635, 1636, 1637, 1638, 1639, 1640, 1641, 1642, 1643, 1644, 1645, 1646, 1647, 1648, 1649, 1650, 1651, 1652, 1653, 1654, 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1987, 1988, 1989, 1990, 1991, 1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 22**



Wylie City Council

AGENDA REPORT

Meeting Date: February 8, 2011
Department: Engineering
Prepared By: Chris Holsted
Date Prepared: 01/28/11

Item Number: G.
(City Secretary's Use Only)
Account Code: N/A
Budgeted Amount: \$ N/A
Exhibits: Rate Study, Ordinance

Subject

Consider, and act upon, Ordinance No. 2011-04 amending Exhibit "A" of Ordinance No. 2009-12 (Consolidated Fee Ordinance), Section I, Subsection B (Water Rates) and Subsection C (Sewage Collection and Treatment Rates).

Recommendation

Motion to approve Ordinance No. 2011-04 amending Exhibit "A" of Ordinance No. 2009-12 (Consolidated Fee Ordinance), Section I, Subsection B (Water Rates) and Subsection C (Sewage Collection and Treatment Rates).

Discussion

On December 14, 2010 Council held a work session to discuss the water and sewer rate study prepared by McLain Decision Support Systems. The study incorporated the water and sewer capital improvements plan (CIP), outstanding debt service, the proposed wholesale water rate increases from the North Texas Municipal Water District, the transfer to the general fund, and the expansion of the Public Works Service Center.

An approximately 5.3% increase per year over the next five years was proposed in the rate study (Financing Scenario 2). The attached ordinance incorporates these recommendations into the water and sewer rates for FY 2011.

Approved By

	<i>Initial</i>	<i>Date</i>
Department Director	<u>CH</u>	<u>1/28/2011</u>
City Manager	<u>MM</u>	<u>2/3/11</u>

ORDINANCE NO. 2011-04

AN ORDINANCE OF THE CITY OF WYLIE, TEXAS; AMENDING EXHIBIT "A" OF ORDINANCE NO. 2009-12 (CONSOLIDATED FEE ORDINANCE), SECTION I, SUBSECTION B (WATER RATES) AND SUBSECTION C (SEWAGE COLLECTION AND TREATMENT RATES); PROVIDING FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; PROVIDING FOR REPEALING, SAVINGS AND SEVERABILITY CLAUSES; PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION OF THIS ORDINANCE.

WHEREAS, the City Council of the City of Wylie, Texas ("City Council") has adopted Ordinance No. 2009-12 establishing a consolidated fee ordinance ("Consolidated Fee Ordinance") for the City of Wylie, Texas ("Wylie"); and

WHEREAS, the City Council has investigated and determined that it would be advantageous and beneficial to the citizens of Wylie to amend the Consolidated Fee Ordinance Section I B (Water Rates), and Section I C (Sewage Collection and Treatment Rates).

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WYLIE, TEXAS:

SECTION 1: Findings Incorporated. The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2: Amending Ordinance No. 2009-12 (Consolidated Fee Ordinance). Ordinance No. 2009-12 (Consolidated Fee Ordinance) is hereby amended as identified in Exhibit "A".

SECTION 3: Penalty Provision. Any person, firm, corporation or entity that violates this Ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined a sum not exceeding two thousand dollars (\$2,000.00) if the violation relates to the public health and sanitation, otherwise the fine shall be a sum not exceeding five hundred dollars (\$500.00). Each continuing day's violation shall constitute a separate offense. The penal provisions imposed under this Ordinance shall not preclude the Wylie from filing suit to enjoin the violation. Wylie retains all legal rights and remedies available to it pursuant to local, state and federal law.

SECTION 4: Savings/Repealing Clause. All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

SECTION 5: Severability. Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is

expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. Wylie hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, and phrases be declared unconstitutional or invalid.

SECTION 6: Effective Date. This Ordinance shall become effective from and after its passage and publication as required by the City Charter and by law.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF WYLIE, TEXAS, on this 8th day of February, 2011.

Eric Hogue, Mayor

**ATTESTED AND
CORRECTLY RECORDED:**

Carole Ehrlich, City Secretary

Date to be published in *The Wylie News* – Wednesday, February 16th, 2011

Exhibit "A"

WYLIE COMPREHENSIVE FEE SCHEDULE

I. WATER AND SEWER FEES.

B. Water Rates.

- (1) The following monthly water rates shall apply to all domestic residential customers within the corporate limits of the City of Wylie, Texas. **ALL PRICES ARE FOR 1,000 GALLONS OF METERED WATER.**
 - (a) Monthly minimum charge for first 1,000 gallons of metered water consumption: \$9.86
 - (b) Volume charge for all consumption exceeding 1,000 gallons:
 - 1,001 to 10,000 gallons: \$3.31
 - Over 10,000 gallons: \$4.31
- (2) The following monthly water rates shall apply to all domestic commercial customers, (other than apartments, mobile home parks and other multi-unit dwellings not individually metered) within the corporate limits of the City of Wylie, Texas:
 - (a) Monthly minimum charge for first 1,000 gallons of metered water consumption: \$13.46
 - (b) Volume charge for all consumption exceeding 1,000 gallons: \$3.77
- (3) The following water rates shall apply to all domestic apartments, mobile home parks, and other multi-unit dwellings, not individually metered, within the corporate limits of the City of Wylie, Texas:
 - (a) Monthly minimum charge for first 1,000 gallons of metered water \$13.46
 - (b) Volume charge for all consumption exceeding 1,000 gallons \$3.77
- (4) The following monthly water rates shall apply to all irrigation meters within the corporate limits of the City of Wylie, Texas:
 - (a) Monthly minimum charge for first 1,000 gallons of metered water:
 - (1) Residential irrigation \$9.86
 - (2) Commercial & Multifamily \$13.46
 - (b) Volume charge for all consumption exceeding 1,000 gallons:
 - (1) Residential irrigation \$4.76
 - (2) Commercial irrigation..... \$4.76

- (5) The monthly water charge for any customers (residential, commercial, apartment, mobile home park, or other multi-unit dwelling not individually metered) located outside the corporate limits of the City of Wylie, Texas, shall be at the rate of one hundred fifteen percent (115%) of the rate charged customers inside the corporate limits of the City.
- (6) Any bulk water customer who desires to withdraw water from a hydrant or other source not metered and charged directly to them, shall fill out a water application form and sign the form in the same manner as a regular metered customer. Bulk water rate charges are to be charged in twenty-five (25) gallon increments at the same rates as the commercial customers.

C. Sewage Collection and Treatment Rates.

- (1) The following monthly sewage collection and treatment rates shall apply to all residential customers of the City of Wylie, Texas:
 - (a) Customers who are 65 years of age or older and have a homestead exemption on the service address which appears in the tax records..... \$21.94
 - (b) Customers who are disabled and have a homestead exemption on the service address which appears in the tax records..... \$21.94
 - (c) All other customers \$29.69
- (2) The following monthly sewage collection and treatment rates shall apply to all commercial customers of the City of Wylie, Texas:
 - (a) Monthly minimum charge first 1,000 gallons of metered water..... \$23.82
 - (b) Volume charge for all consumption exceeding 1,000 gallons.....\$ 2.02
- (3) A sewer fee of twenty-nine dollars and sixty-nine cents (\$29.69) shall be charged for each apartment unit, multiple-family unit, or mobile home space and special areas such as washateria, swimming pools, etc., where the apartment, multiple-family development or mobile home park is on a master meter for water consumption with the City of Wylie, Texas.
- (4) The monthly sewer charge for any customers (residential, commercial, apartment, mobile home park, or other multi-unit dwelling not individually metered) located outside the corporate limits of the City of Wylie, Texas, shall be at the rate of one hundred fifteen percent (115%) of the rate charged customers inside the corporate limits of the City.
- (5) The monthly water and sewer rate charge for residential and commercial customers located outside the corporate limits of the City of Wylie, Texas, shall be at the rate of one hundred fifteen percent (115%) of the rate charged customers inside the corporate limits of the City.

City of Wylie, Texas

Update of Water & Wastewater Rates



Table 3.1
Financing Scenarios - Water
With \$3.5 Million Drawdown in FY 2012

	Existing	Proposed	Planned	Planned	Planned	Planned
		2011	2011	2012	2013	2014
		(1)	(2)	(3)	(4)	(5)
1 Outside to Inside Ratio		1.15	1.15	1.15	1.15	1.15
<u>Monthly Minimum Bills:</u>						
2 Residential	\$	8.90	\$ 9.37	\$ 9.86	\$ 10.38	\$ 10.92
3 Non-Residential		12.15	12.79	13.46	14.17	14.91
<u>Residential:</u>						
4 1,001 - 10,000	\$	2.99	\$ 3.15	\$ 3.31	\$ 3.49	\$ 3.67
5 Over 10,000		3.89	4.09	4.31	4.54	4.77
<u>Non-Residential:</u>						
6 Over 1,000	\$	3.40	\$ 3.58	\$ 3.77	\$ 3.96	\$ 4.17
<u>Sprinkler Meters:</u>						
7 Over 1,000	\$	4.30	\$ 4.53	\$ 4.76	\$ 5.01	\$ 5.28
8 From Monthly Minimum Bill	\$	1,191,758	\$ 1,254,325	\$ 1,339,107	\$ 1,429,333	\$ 1,525,342
9 From Volume Rates		3,766,117	3,963,838	4,218,197	4,488,335	4,775,215
10 Total Revenues Generated	\$	4,957,875	\$ 5,218,163	\$ 5,557,304	\$ 5,917,668	\$ 6,300,557
11 Avg. Res. Mon. Bill @ 8,000 Gallons	\$	29.83	\$ 31.40	\$ 33.04	\$ 34.78	\$ 36.61
12 Monthly Difference- \$		N/A	1.57	1.65	1.73	1.83
13 Monthly Difference- %		N/A	5.3%	5.3%	5.3%	5.2%
14 Avg. Commercial 1 Inch Mon. Bill @ 27,000 Gallons	\$	100.55	\$ 105.83	\$ 111.38	\$ 117.23	\$ 123.39
15 Monthly Difference- \$		N/A	5.28	5.56	5.85	6.15
16 Monthly Difference- %		N/A	5.2%	5.3%	5.3%	5.2%
17 Avg. Sprinkler 2 Inch Mon. Bill @ 60,000 Gallons	\$	265.85	\$ 279.81	\$ 294.50	\$ 309.96	\$ 326.23
18 Monthly Difference- \$		N/A	13.96	14.69	15.46	16.27
19 Monthly Difference- %		N/A	5.2%	5.3%	5.3%	5.2%
20 Avg. Industrial 3/4 Inch Mon. Bill @ 300,000 Gallon	\$	1,028.75	\$ 1,082.76	\$ 1,139.60	\$ 1,199.43	\$ 1,262.40
21 Monthly Difference- \$		N/A	54.01	56.84	59.83	62.97
22 Monthly Difference- %		N/A	5.3%	5.2%	5.3%	5.2%

City of Wylie, Texas

Update of Water & Wastewater Rates



Table 3.2
Financing Scenarios - Wastewater
With \$3.5 Million Drawdown in FY 2012

		Existing	Proposed	Planned	Planned	Planned	Planned
			2011	2011	2012	2013	2014
			(1)	(2)	(3)	(4)	(5)
1	Outside to Inside Ratio		-	-	-	-	-
<u>Monthly Minimum Bills:</u>							
2	Residential & Multi-Family Includes	\$	2.00	\$	2.00	\$	2.00
3	Residential	\$	27.00	\$	28.31	\$	29.69
4	Multi-Family		27.00		28.31		29.69
5	Commercial		21.50		22.63		23.82
6	East Fork Residential		27.00		28.31		29.69
7	East Fork Seniors		20.00		20.95		21.94
8	East Fork Commercial		21.50		22.63		23.82
9	Northeast Residential		27.00		28.31		29.69
10	Northeast Seniors		20.00		20.95		21.94
11	Northeast Commercial		21.50		22.63		23.82
<u>Volumetric Rates:</u>							
12	Residential	\$	-	\$	-	\$	-
13	Multi-Family		-		-		-
14	Commercial		1.82		1.92		2.02
15	East Fork SUD Residential		-		-		-
16	East Fork SUD Seniors		-		-		-
17	East Fork SUD Commercial		1.57		1.65		1.74
18	Northeast SUD Residential		-		-		-
19	Northeast SUD Seniors		-		-		-
20	Northeast SUD Commercial		1.57		1.65		1.74
21	From Monthly Minimum Bill	\$	4,128,722	\$	4,345,480	\$	4,640,083
22	From Volume Rates		248,068		261,091		274,799
23	Total Revenues Generated	\$	4,376,790	\$	4,606,571	\$	4,914,881
24	Change in Revenues >				5.2%		5.3%
25	Avg. Res. Mon. Bill @ 8,000 Gallons	\$	27.00	\$	28.31	\$	29.69
26	Monthly Difference- \$		N/A		1.31		1.38
27	Monthly Difference- %		N/A		4.9%		4.9%
28	Avg. Commercial 1 Inch Mon. Bill @ 27,000 Gallons	\$	68.82	\$	72.43	\$	76.24
29	Monthly Difference- \$		N/A		3.61		3.80
30	Monthly Difference- %		N/A		5.3%		5.3%
31	Avg. Industrial 3/4 Inch Mon. Bill @ 300,000 Gallon	\$	565.68	\$	595.38	\$	626.64
32	Monthly Difference- \$		N/A		29.70		31.26
33	Monthly Difference- %		N/A		5.3%		5.2%



Wylie City Council

AGENDA REPORT

Meeting Date:	February 8, 2011	Item Number:	1.
Department:	City Manager		<i>(City Secretary's Use Only)</i>
Prepared By:	Mindy Manson	Account Code:	N/A
Date Prepared:	February 2, 2011	Budgeted Amount:	N/A
		Exhibits:	3

Subject

Consider and act upon Resolution No. 2011-03(R) suspending the February 14, 2011, effective date of Oncor Electric Delivery Company's requested rate change to permit the city time to study the request and to establish reasonable rates; approving cooperation with the steering committee of cities served by Oncor to hire legal and consulting services and to negotiate with the company and direct any necessary litigation and appeals; finding that the meeting at which this resolution is passed is open to the public as required by law; requiring notice of this resolution to the company and legal counsel for the steering committee.

Recommendation

Motion to approve Resolution No. 2011-03(R) suspending the February 14, 2011, effective date of Oncor Electric Delivery Company's requested rate change to permit the city time to study the request and to establish reasonable rates; approving cooperation with the steering committee of cities served by Oncor to hire legal and consulting services and to negotiate with the company and direct any necessary litigation and appeals; finding that the meeting at which this resolution is passed is open to the public as required by law; requiring notice of this resolution to the company and legal counsel for the steering committee.

Discussion

Oncor Electric Delivery Company ("Oncor" or "the Company") filed an application on or about January 7, 2011 with cities retaining original jurisdiction seeking to increase system-wide transmission and distribution rates by \$353 million. The Company asks the City to approve a 14.6% increase in residential rates, a 15.5% increase in commercial rates, and a 25.9% increase in street lighting rates. According to Oncor, annual rates would increase by approximately \$60 for an average residential customer.

The resolution suspends the February 14, 2011 effective date of the Company's rate increase for the maximum period permitted by law to allow the City, working in conjunction with the Steering Committee of Cities Served by Oncor, to evaluate the filing, determine whether the filing complies with law, and if lawful, to determine what further strategy, including settlement, to pursue.

The law provides that a rate request made by an electric utility cannot become effective until at least 35 days following the filing of the application to change rates. The law permits the City to suspend the rate change for 90 days after the date the rate change would otherwise be effective. **If the City fails to take some action regarding the filing before the effective date, Oncor's rate request is deemed administratively approved.**

The City of Wylie is a member of a 146-city coalition known as the Steering Committee of Cities Served by

Oncor ("Steering Committee"). The Steering Committee has been in existence since the late 1980s. It took on a formal structure in the early 1990s when cities served by the former TXU gave up their statutory right to rate case expense reimbursement in exchange for higher franchise fee payments. Empowered by city resolutions and funded by *per capita* assessments, the Steering Committee has been the primary public interest advocate before the Public Utility Commission, the Courts, and the Legislature on electric utility regulation matters for the last 20 years.

The current filing comes 15 months following the implementation of Oncor's last rate increase. That case is currently on appeal.

Explanation of "Be It Resolved" Paragraphs:

Section 1. The City is authorized to suspend the rate change for 90 days after the date that the rate change would otherwise be effective for any legitimate purpose. Time to study and investigate the application is always a legitimate purpose. Please note that the resolution refers to the suspension period as "the maximum period allowed by law" rather than ending by a specific date. This is because the Company controls the effective date and can extend the deadline for final city action to increase the time that the City retains jurisdiction if necessary to reach settlement on the case. If the suspension period is not otherwise extended by the Company, the City must take final action on Oncor's request to raise rates by February 14, 2011.

Section 2. This provision authorizes the Steering Committee, consistent with the City's resolution approving membership in the Steering Committee, to act on behalf of the City at the local level in settlement discussions, in preparation of a rate ordinance, on appeal of the rate ordinance to the PUC, and on appeal to the Courts. Negotiating clout and efficiency are enhanced by the City cooperating with the Steering Committee in a common review and common purpose. Additionally, rate case expenses are minimized when the Steering Committee hires one set of attorneys and experts who work under the guidance and control of the Executive Committee of the Steering Committee.

Section 3. The Company will reimburse the Steering Committee for its reasonable rate case expenses. Legal counsel and consultants approved by the Executive Committee of the Steering Committee will submit monthly invoices that will be forwarded to Oncor for reimbursement. No individual city incurs liability for payment of rate case expenses by adopting a suspension resolution.

Section 4. This section merely recites that the resolution was passed at a meeting that was open to the public and that the consideration of the Resolution was properly noticed.

Section 5. This section provides that both Oncor and Steering Committee counsel will be notified of the City's action by sending a copy of the approved and signed resolution to certain designated individuals.

Approved By

Initial

Date

Department Director

City Manager

mm

2/3/11

RESOLUTION NO. 2011-03(R)

RESOLUTION OF THE CITY OF WYLIE SUSPENDING THE FEBRUARY 14, 2011, EFFECTIVE DATE OF ONCOR ELECTRIC DELIVERY COMPANY'S REQUESTED RATE CHANGE TO PERMIT THE CITY TIME TO STUDY THE REQUEST AND TO ESTABLISH REASONABLE RATES; APPROVING COOPERATION WITH THE STEERING COMMITTEE OF CITIES SERVED BY ONCOR TO HIRE LEGAL AND CONSULTING SERVICES AND TO NEGOTIATE WITH THE COMPANY AND DIRECT ANY NECESSARY LITIGATION AND APPEALS; FINDING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; REQUIRING NOTICE OF THIS RESOLUTION TO THE COMPANY AND LEGAL COUNSEL FOR THE STEERING COMMITTEE

WHEREAS, on or about January 7, 2011, Oncor Electric Delivery Company (Oncor), pursuant to PURA §§ 33.001 and 36.001 filed with the City of Wylie a Statement of Intent to increase electric transmission and distribution rates in all municipalities exercising original jurisdiction within its service area effective February 14, 2011; and

WHEREAS, the City of Wylie is a member of the Steering Committee of Cities Served by Oncor ("Steering Committee") and will cooperate with the 146 similarly situated city members and other city participants in conducting a review of the Company's application and to hire and direct legal counsel and consultants and to prepare a common response and to negotiate with the Company prior to getting reasonable rates and direct any necessary litigation; and

WHEREAS, PURA § 36.108 grants local regulatory authorities the right to suspend the effective date of proposed rate changes for ninety (90) days after the date the rate change would otherwise be effective; and

WHEREAS, PURA § 33.023 provides that costs incurred by Cities in ratemaking activities are to be reimbursed by the regulated utility.

THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WYLIE, TEXAS:

1. That the February 14, 2011 effective date of the rate request submitted by Oncor on or about January 7, 2011, be suspended for the maximum period allowed by law to permit adequate time to review the proposed changes and to establish reasonable rates.

2. As indicated in the City's resolution approving membership in the Steering Committee, the Executive Committee of Steering Committee is authorized to hire and direct legal counsel and consultants, negotiate with the Company, make recommendations regarding reasonable rates, and to intervene and direct any necessary administrative proceedings or court litigation associated with an appeal of a rate ordinance and the rate case filed with the City or Public Utility Commission.

3. That the City's reasonable rate case expenses shall be reimbursed by Oncor.

4. That it is hereby officially found and determined that the meeting at which this Resolution is passed is open to the public as required by law and the public notice of the time, place, and purpose of said meeting was given as required.

5. A copy of this Resolution shall be sent to Oncor, care of Autry Warren, Oncor Electric Delivery Company, LLC, 1601 Bryan St., 23rd Floor, Dallas, Texas 75201 and to Geoffrey Gay, General Counsel to the Steering Committee, at Lloyd Gosselink Rochelle & Townsend, P.C., P.O. Box 1725, Austin, Texas 78767-1725.

PASSED AND APPROVED this the 8th day of February, 2011.

Eric Hogue, Mayor

ATTEST:

Carole Ehrlich, City Secretary

STEERING COMMITTEE CITIES (146)

Addison	Fate	Oak Leaf
Allen	Flower Mound	Oak Point
Alvarado	Forest Hill	Odessa
Andrews	Fort Worth	O'Donnell
Anna	Frisco	Ovilla
Archer City	Frost	Palestine
Argyle	Gainesville	Pantego
Arlington	Garland	Paris
Bedford	Glenn Heights	Plano
Bellmead	Grand Prairie	Pottsboro
Belton	Granger	Prosper
Benbrook	Grapevine	Ranger
Beverly Hills	Gunter	Rhome
Big Spring	Haltom City	Richardson
Breckenridge	Harker Heights	Richland Hills
Bridgeport	Henrietta	River Oaks
Brownwood	Hewitt	Roanoke
Buffalo	Highland Park	Robinson
Burkburnett	Honey Grove	Rockwall
Burleson	Howe	Rosser
Caddo Mills	Hurst	Rowlett
Cameron	Hutto	Sachse
Canton	Iowa Park	Saginaw
Carrollton	Irving	Seagoville
Cedar Hill	Jolly	Sherman
Celina	Josephine	Snyder
Centerville	Justin	Southlake
Cleburne	Kaufman	Springtown
Coahoma	Keller	Stephenville
Colleyville	Kerens	Sulphur Springs
Collinsville	Krum	Sunnyvale
Comanche	Lake Worth	Sweetwater
Commerce	Lakeside	Temple
Coppell	Lamesa	Terrell
Copperas Cove	Lancaster	The Colony
Corinth	Lewisville	Tyler
Crowley	Lindale	University Park
Dallas	Little Elm	Venus
Dalworthington Gardens	Little River Academy	Waco
DeLeon	Malakoff	Watauga
De Soto	Mansfield	Waxahachie
Denison	McKinney	White Settlement
Duncanville	Mesquite	Wichita Falls
Early	Midland	Willow Park
Eastland	Midlothian	Woodway
Edgecliff Village	Murchison	Wylie
Eules	Murphy	
Everman	Nacogdoches	
Fairview	New Chapel Hill	
Farmers Branch	North Richland Hills	



2011 Rate Review

Highlighting Significant Investment Plus Solid Cost Management

January 2011

Oncor At A Glance



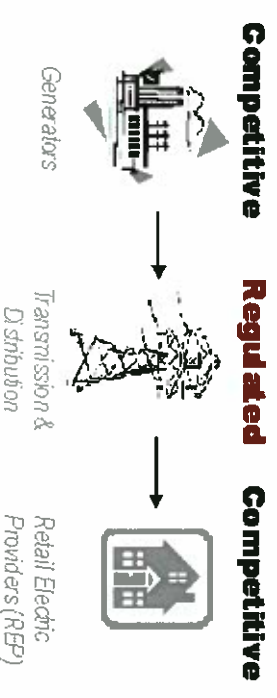
Texas' largest regulated transmission and distribution utility - 6th largest in the U.S.

Delivers electricity - *no generation; no retail service*

Serves 7.5M people, 401 cities and 91 counties, which represent about one third of Texas

Employs 3,800 Texans

Manages more than \$8 billion in capital investment, which is subject to review by the Public Utility Commission of Texas to ensure incurred costs are prudent and necessary.



* based on amounts paid in 2005-2008

2011 Rate Review Overview



- Oncor's electric delivery rates are the lowest in the state among investor-owned utilities, because we work hard to avoid or mitigate the need for an increase. We continue to be forward-thinking, innovative and diligent in managing our costs. In 2010, we efficiently controlled base operating costs at or below 2004 levels.
- This rate review includes a request for an annual increase of approximately \$350 million due to:
 - \$2 billion in additional investments in the transmission and distribution system since the beginning of 2008, both to make system improvements to aging infrastructure and to serve new customers in our service area and
 - Increased costs related to storm restoration, pension and health care.
- If approved, the typical residential customer who uses 1,300 kilowatt-hours (kWh) of electricity per month and has a retail electric plan charging 10 cents per kWh would pay 10.4 cents per kWh, or about \$5 more per month with the same rate plan.

Providing Reliable Service at Low Rates



Even at the requested rate, customers in our service area will still pay among the lowest electric delivery rates in the state.

Utility	Residential Monthly Wires Charges*	Residential Monthly Wires Charges if Rate Proposals Approved*
Oncor	\$41.01	\$46.12
Utility A	\$46.09	\$48.28
Utility B	\$47.42	\$47.42
Utility C	\$47.69	\$54.49
Utility D	\$54.10	\$54.10

* Residential monthly wires charges for 1,300 kWh (including non-bypassable charges)

Major Components Supporting Rate Increase



Major Components	Increased Costs
Return on Investments	\$124 million
Taxes	\$78 million
Depreciation Expense	\$28 million
Storm Costs/Self Insurance	\$41 million
Pension and Health Care Costs	\$47 million
Vegetation Management	\$35 million
Total	\$353 million

We anticipate that the new rates would take effect in late summer or early fall.



Wylie City Council

AGENDA REPORT

Meeting Date:	February 8, 2011	Item Number:	2.
Department:	Engineering		(City Secretary's Use Only)
Prepared By:	Chris Holsted	Account Code:	N/A
Date Prepared:	01/31/11	Budgeted Amount:	N/A
		Exhibits:	Resolution

Subject

Consider, and act upon, Resolution No. 2011-04(R) requesting that the State of Texas Department of Transportation release ownership and control of FM 2514 (Ballard Avenue) from Brown Street to SH 78.

Recommendation

Motion to approve Resolution No. 2011-04(R) requesting that the State of Texas Department of Transportation release ownership and control of FM 2514 (Ballard Avenue) from Brown Street to SH 78.

Discussion

The Texas Department of Transportation has indicated that they would be receptive to releasing ownership of FM 2514 (Ballard Avenue) from Brown Street to SH 78 to the City. Ownership of the roadway would allow for greater flexibility for future improvements, however, the City would assume all future maintenance and reconstruction cost. The projected 20 year maintenance cost is \$407,000.

Approved By

	Initial	Date
Department Director	CH	01/31/2011
City Manager	<i>mm</i>	2/3/11

RESOLUTION NO. 2011-04(R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WYLIE, TEXAS, REQUESTING THE STATE OF TEXAS DEPARTMENT OF TRANSPORTATION RELEASE OWNERSHIP AND CONTROL OF FM 2514 FROM BROWN STREET TO SH 78; AUTHORIZING ITS EXECUTION BY THE CITY MANAGER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Wylie acknowledges the ownership of FM 2514 by the State of Texas Department of Transportation; and

WHEREAS, that ownership and the requisite maintenance effort has been an appreciated benefit to the citizens of Wylie; and

WHEREAS, the City Council of the City of Wylie, Texas recognizes the importance of FM 2514 to its citizens; and

WHEREAS, the City Council is of the opinion and finds that the terms and conditions of owning, maintaining and improving that roadway may be better served through the City of Wylie, Texas.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WYLIE, TEXAS;

SECTION 1. That the State of Texas Department of Transportation removes from the State Transportation System that section of FM 2514 from Brown Street to SH 78, as shown on Exhibit 'A' attached, and transfer all ownership and maintenance responsibilities to the City of Wylie.

SECTION 2. That the ownership of FM 2514 from Brown Street to SH 78 is in the best interest of the City and its citizens, and the request is hereby, in all things approved, and the City Manager is hereby authorized to execute the necessary formal documents on behalf of the City of Wylie Texas.

SECTION 3. This Resolution shall become effective immediately upon its passage.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF WYLIE, TEXAS, THE 8TH DAY OF FEBRUARY 2011.

APPROVED:

Eric Hogue, Mayor

ATTEST:

Carole Ehrlich, City Secretary

Sikorsky Court



West Brown Street

East Brown Street

Keeler Street

First Street

Second Street

Jefferson Street

Marble Street

Marble Street

Jackson Avenue

Oak Street

Ballard Avenue

Third Street

State Highway No. 78

Masters Avenue

Birmingham Avenue

First Street

Second Street

Court



Industrial

Butler Street

First Street

Second Street

Third Street

Calloway Street

Ballard Avenue

MAINTENANCE COST FOR HIGHWAYS (20 YEARS)

Roadway: FM 2514		County: Collin	
Control-Section:		Priority:	
ADT:			
Limits:		From: SH 78	
		To: Brown Street	

FROM STATION / REF. MARKER	TO STATION / REF. MARKER	LENGTH (FT)	ROADWAY WIDTH (FT)	RT. SHOULDER WIDTH (FT) *	LT. SHOULDER WIDTH (FT) *	CONTINUOUS LEFT TURN LANE	DIVIDED
		1500	60				

* NOTE: INCLUDE SHOULDER WIDTH WITH ROADWAY WIDTH IF LESS THAN 8 FT.

INTERSECTIONS (SY):
CROSSOVERS (SY):
ACCEL/DECEL LANES (SY):
TRANSITIONS (SY):
OTHER (SY):

HOT-MIX OVERLAY (EVERY 10 YEARS)	QUANTITY	BID PRICE**	EST. COST
D-GR HMA (METH) TY-C	1126	\$70.00	\$78,820.00

STRIPING (EVERY YEAR)	QUANTITY	BID PRICE**	EST. COST
SOLID YELLOW (4 IN) DOUBLE NO PASSING (LF X 2)	60,000	\$0.50	\$30,000.00
SOLID YELLOW (4 IN) SINGLE NO PASSING (LF)		\$0.50	\$0.00
SOLID YELLOW (4 IN) CONTINUOUS LEFT TURN LANE (LF X 2)		\$0.50	\$0.00
SOLID YELLOW (4 IN) EDGE LINE (LF)		\$0.50	\$0.00
BROKEN YELLOW (4 IN) (LF)		\$0.30	\$0.00
SOLID WHITE (4 IN) (LF)	72,000	\$0.35	\$25,200.00
BROKEN WHITE (4 IN) (LF)		\$0.30	\$0.00
SOLID WHITE (8 IN) (LF)		\$1.75	\$0.00
STOP BARS (24 IN) (LF)		\$4.25	\$0.00
CROSSWALKS (12 IN) (LF)		\$2.00	\$0.00
WORDS (EA)		\$50.00	\$0.00
ARROWS (EA)		\$100.00	\$0.00
RR CROSSINGS (EA)		\$325.00	\$0.00

RAISED PAVEMENT MARKERS (EVERY YEAR)	QUANTITY	BID PRICE**	EST. COST
TYPE I-C (EA)		\$3.25	\$0.00
TYPE II-C-R (EA)		\$3.50	\$0.00
TYPE II-A-A (EA)		\$3.00	\$0.00

SURFACE TREATMENT BASIS OF ESTIMATE (EVERY 6 YEARS)				
ITEM 316 DESCRIPTION	SURFACE COURSE	QUANTITY	BID PRICE**	EST. COST
ASPH TYPE & GRADE (ADT < 3000)	AC-5/AC-10 (2% LATEX)		\$2.25	\$0.00
ASPH RATE	0.40 GAL/SY		GAL	
ASPH TYPE & GRADE (ADT >= 3000)	AC-20-5TR	13500.00	\$3.80	\$51,300.00
ASPH RATE	0.45 GAL/SY		GAL	
AGGR TYPE & GRADE	TY PB GR 4	816.00	\$60.00	\$48,960.00
AGGR RATE	1CY/110 SY		CY	

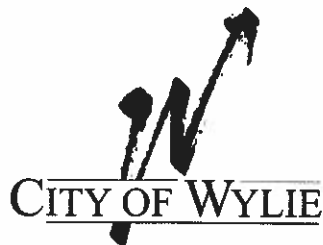
MISCELLANEOUS	QUANTITY	BID PRICE**	EST. COST
MOWING (AC)***		\$38.00	\$0.00
DITCH CLEANING AND RESHAPING (EVERY 5 YEARS) (LF)		\$4.00	\$0.00
DRAINAGE IMPROVEMENTS (EVERY 5 YEARS) (LF)		\$165.00	\$0.00
SIGN REPLACEMENT (EVERY 6 YEARS)(EA)	25	\$800.00	\$20,000.00

INFLATION TABLE			
NO. OF YEARS	TODAYS TOTAL COST	RATE/ YEAR =3%	FUTURE COST IN NO. OF YEARS
20	\$254,280.00	0.03	\$406,848.00

TOTAL ESTIMATED COST:	\$254,280.00
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** Bid prices do not account for future inflation. Use inflation table.

*** 2 cycles per year



Wylie City Council

AGENDA REPORT

Meeting Date:	February 8, 2011	Item Number:	3.
Division:	Parks and Recreation		(City Secretary's Use Only)
Prepared By:	Robert Diaz	Account Code:	
Date Prepared:	January 3, 2011	Budgeted Amount:	N/A
		Exhibits:	1

Subject

Consider, and act upon, approving amendments to the Parks and Recreation Board Bylaws.

Recommendation

Motion to approve the proposed amendments to the Parks and Recreation Board Bylaws.

Discussion

To establish a procedure for Board members to place items on the agenda, staff has reviewed City Council and Planning and Zoning Commission agenda item submission procedures and has provided a revision to the Bylaws reflecting proposed changes.

In addition, while reviewing our current Board Bylaws we found an inconsistency in the Board's name and propose the following correction to Section 4.

The following sections are the current Bylaws:

Section 4. All questions presented for a vote of the Parks and Recreation Advisory Board shall be decided by a simple majority of the quorum, including the vote of the Chair.

Article III Officers, Section 4 Duties of Officers, Paragraph (a)Chair, Item(iv)

Assist Parks and Recreation staff in establishing the agenda for each meeting. Agenda items requested by any Board Member will be included.

Article III Officers, Section 4 Duties of Officers, Paragraph (c)Secretary, Item (ii)

The Staff Liaison will be responsible for producing the agenda and distributing the agenda and minutes to the Parks and Recreation Board and City Manager. An official record of attendance will be kept in the minutes.

The following sections are the proposed revised Bylaws:

Section 4. All questions presented for a vote of the Parks and Recreation ~~Advisory~~ Board shall be decided by a simple majority of the quorum, including the vote of the Chair.

Article III Officers, Section 4 Duties of Officers, Paragraph (a)Chair, Item (iv)

Assist Parks and Recreation staff in establishing the agenda for each meeting.

Agenda items can be requested by the Chair at least one week prior to the scheduled meeting. Agenda items requested by any single Board Member will need to be submitted and approved by the Chair first prior to being submitted to the staff liaison. Any two Board Members (not including the Chair) can submit an item to the staff liaison to be placed on the Board Agenda at least one week prior to the scheduled meeting. Agenda items submitted must be made in writing to the staff liaison.

(Keep in mind that staff will need sufficient time to properly research agenda items before they are placed on an agenda.)

Article III Officers, Section 4 Duties of Officers, Paragraph (c) Secretary, Item (ii)

The Staff Liaison will be responsible for producing the agenda and distributing the agenda and minutes to the Parks and Recreation Board and City Manager. An official record of attendance will be kept in the minutes. **A yearly calendar of monthly meetings will be approved by the Board at the regular December meeting prior to the next calendar year on an annual basis.**

At the Parks and Recreation Regular Board meeting held on December 20, 2010 the Board approved the changes to the Bylaws proposed by staff. The changes will now need to be reviewed and considered by the City Council.

Approved By

Initial

Date

Department Director

RD

2-3-2011

City Manager

MM

2/3/11

CITY OF WYLIE PARKS AND RECREATION BOARD BYLAWS

ARTICLE I

Name

As authorized by the City Charter, City of Wylie and City Ordinance No. 78-18. This body shall be known as the Parks and Recreation Board.

ARTICLE II

Meetings

Section 1. The regular meeting of the Parks and Recreation Board shall be held monthly at the Municipal Complex council conference room unless the Board determines otherwise.

Section 2. Special meetings may be called by the Chair or at the call of any two members of the Board, provided that notice thereof be given to all Board members.

Section 3. A majority of the members shall constitute a quorum at all meetings of the Board.

Section 4. All questions presented for a vote of the Parks and Recreation Advisory Board shall be decided by a simple majority of the quorum, including the vote of the Chair.

Section 5. Any member of the Board who misses three consecutive meetings without good cause shall be deemed to have resigned, and the Board will recommend to City Council that a replacement be appointed for the balance of the unexpired term.

Section 6. Robert's Rules of Order (current edition) shall govern the parliamentary procedure of the Board, in cases to which they are applicable and in which they are not inconsistent with these by-laws.

ARTICLE III

Officers

Section 1. The officers of the Board shall be a Chairperson, a Vice-Chairperson and a Secretary (City Staff member will be serving as Secretary).

Section 2. Officers shall be elected and take office at the first regular meeting after new Board members have been appointed and sworn in.

Section 3. Vacancies in office shall be handled as follows:

- (a) In the event of resignation or incapacity of the Chair, the Vice-Chair shall become the Chair for the unexpired portion of the term.
- (b) Vacancies in officers other than the Chair shall be filled for the unexpired term by election from the remaining Parks and Recreation Board Members.

Section 4. Duties of the officers shall be as follows:

(a) Chair:

- (i) Preside at all meetings
- (ii) Represent the Parks and Recreation Board at public functions.
- (iii) Appoint special committees.
- (iv) Assist Parks and Recreation staff in establishing the agenda for each meeting. Agenda items can be requested by the Chair at least one week prior to the scheduled meeting. Agenda items requested by any single Board Member will be included need to be submitted and approved by the Chair first prior to being submitted to the staff liaison. Any two Board Members (not including the Chair) can submit an item to the staff liaison to be placed on the Board Agenda at least one week prior to the scheduled meeting. Agenda items submitted must be made in writing to the staff liaison.

(b) Vice-Chair:

- (i) Assist the Chair in directing the affairs of the Board and act in the Chair's absence.

(c) Secretary:

- (i) The City Secretary's office will be responsible for recording and maintaining the minutes. This "Secretary position" will be occupied by a City Staff member and not be an official Board position.
- (ii) The Staff Liaison will be responsible for producing the agenda and distributing the agenda and minutes to the Parks and Recreation Board and City Manager. An official record of attendance will be kept in the minutes. A yearly calendar of monthly meetings will be approved by the Board at the regular December meeting prior to the next calendar year on an annual basis.

ARTICLE IV

Committees

Section 1. Committees may be appointed for special purposes by the Chair and with the consent of the majority of the Board. All committees will have at least one Parks and Recreation Board member serving on them. These committees are automatically dissolved upon completion of assignment.

Section 2. Progress reports will be given at each Board Meeting and a final report on completion of assignments.

ARTICLE V

Powers and Duties of Board Members

Section 1. Board Members shall:

- (a) Be appointed by the City Council.
- (b) Abide by applicable ordinances of the City of Wylie.
- (c) Act in an advisory capacity to the City Council, City Manager and Parks and Recreation Staff.

- (d) Recommend policies to govern the operation and program of the Parks and Recreation Department.
- (e) Assist in planning and give guidance for expansion of parks and recreation facilities.
- (f) Assist in interpreting the policies and functions of the Parks and Recreation Department to the public. Encourage in every possible way the development and advancement of the Parks and Recreation Department.

ARTICLE VI

Amendments

Section 1. These by-laws may be amended by a majority vote at any regular meeting, provided all members have been notified of the proposed amendments at least three days prior to such meeting. Such amendment would then be subject to approval by City Council.